

BILL NO. 2000-44

ORDINANCE NO. 5228

AN ORDINANCE TO AMEND THE LAS VEGAS MUNICIPAL CODE REGARDING ADMINISTRATIVE ACTION THAT MAY BE TAKEN IN CONNECTION WITH CERTAIN BUSINESSES PROTECTED BY THE FIRST AMENDMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: City Attorney Bradford R. Jerbic

Summary: Adjusts licensing and zoning provisions regarding administrative action that may be taken in connection with certain businesses protected by the First Amendment.

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

SECTION 1: Title 6, Chapter 2, Section 363, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.363: (A) The Director or Metro may issue an emergency order which suspends or conditions a license upon a determination that:

[(A)] (1) There has been a violation of the provisions of this Title; and

[(B)] (2) Such order is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare within the City.

(B) This Section does not apply to any business licensed pursuant to Chapter 6.06A or Chapter 6.35.

SECTION 2: Title 6, Chapter 6, Section 270, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.06.270: (A) The Director or Metro may issue an emergency order which suspends or conditions a license upon a determination that:

[(A)] (1) There has been a violation of the provisions of this Title; and

[(B)] (2) Such order is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare within the City.

(B) This Section does not apply to any business licensed pursuant to Chapter 6.06A or Chapter 6.35.

SECTION 3: Title 6, Chapter 6A, Section 40, of the Municipal Code of the City of

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

2 **6.06A.040:** (A) The [Las Vegas] City Council, upon notice and hearing, may suspend the license
3 of a bookstore which fails to comply with or violates any provision of this Chapter or [LVMC 19.74]
4 Title 19A until such time as the licensee may correct the items of noncompliance or violation.
5 Unrecorded gross revenue from sales of a bookstore which holds itself out to the public through
6 signs or advertising as an adult bookstore shall be presumed to have been of matter distinguished
7 or characterized by its emphasis on matter depicting or describing or relating to specified sexual
8 activities or specified anatomical areas, and if the unrecorded revenue from gross sales exceed more
9 than fifty percent of total recorded and recorded gross sales of books, magazines, films, tapes or
10 discs, the establishment shall be deemed a sexually oriented business within the meaning of [LVMC
11 19.74.] Title 19A.

12 (B) A bookstore license issued to any licensee under the provisions of this Title shall be
13 subject to revocation if such licensees maintain or carry on any business in any building or structure
14 which is structurally unsafe, or not provided with adequate egress, or which constitutes a fire hazard,
15 or which is otherwise dangerous to human life or safety, or which in its relation to existing use
16 constitutes, a hazard to safety or health by reasons of inadequate maintenance, dilapidation,
17 obsolescence or abandonment.

18 (C) In the event the bookstore license is suspended or revoked, the license suspension or
19 revocation shall be stayed for fourteen days from the date of the written notice to the licensee for the
20 licensee to seek judicial review. If the licensee seeks judicial review in a timely manner, the license
21 suspension or revocation shall be stayed until the court orders otherwise or issues a dispositive
22 ruling. The license may waive the stay provision in writing, or the City may seek sooner to enforce
23 the suspension or revocation by filing in the district court a petition for judicial review as provided
24 in NRS 43.100 or by seeking alternative relief pursuant to Chapter 34 of NRS.

25 SECTION 4: Title 6, Chapter 35, Section 140, of the Municipal Code of the City
26 of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.35.140:** (A) The [Las Vegas] City Council shall not act to revoke or suspend an erotic
28 dance establishment license until after:

1 (1) The licensee or is given at least ten days' written notice of the specific
2 charges;

3 (2) A hearing is held before the [Las Vegas] City Council at which time
4 the licensee may present such evidence and defense as may bear upon the question.

5 (B) The erotic dance establishment license shall be revoked or suspended if the
6 license maintains or conducts business in any building or structure which is structurally unsafe, or
7 does not provide adequate egress, or which constitutes a fire hazard, or which is otherwise dangerous
8 to human life or safety, or which in relation to existing use constitutes a hazard to safety or health,
9 or public welfare by reasons of inadequate maintenance, dilapidation or obsolescence.

10 (C) The erotic dance establishment license, shall be revoked or suspended if the
11 licensee or his, her or its employee, agent or manager has made any false, misleading or fraudulent
12 statement of material fact in the application for the license at issue or in any semi-annual report
13 required to be filed with the Department (LVMC 6.35.120) or record required to be kept for three
14 years (LVMC 6.35.120) or knowingly caused or suffered another to furnish such false, misleading
15 or fraudulent information or withhold such required information on his, her or its behalf, or violates
16 any provisions of LVMC 6.35.100.

17 (D) In the event the erotic dance establishment license is suspended or revoked,
18 the license suspension or revocation shall be stayed for fourteen days from the date of the written
19 notice to the licensee for the licensee to seek judicial review. If the licensee seeks judicial review
20 in a timely manner, the license suspension or revocation shall be stayed until the court orders
21 otherwise or issues a dispositive ruling. The licensee may waive the stay provision in writing, or the
22 City may seek sooner to enforce the suspension or revocation by filing in the district court a petition
23 for judicial review as provided by NRS 43.100 or by seeking alternative relief pursuant to Chapter
24 34 of NRS.

25 SECTION 5: Section 19A.04.040(B) of the Zoning Code of the City of Las Vegas
26 is hereby amended to read as follows:

27 **B. Special Use Permit Required.** Except as otherwise specifically provided regarding a particular
28 use, [When] when not all the itemized conditions can be met, a Special Use Permit is required for

1 the use. Special Use Permit approval may require additional conditions beyond those itemized
2 below.

3 SECTION 6: The subdivision of Section 19A.04.040(C) of the Zoning Code entitled
4 "Sexually Oriented Businesses," is hereby amended by adding thereto a new Paragraph 6, reading
5 as follows:

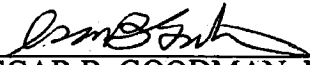
6 6. The Special Use Permit provisions of Section 19A.04.040(B) do not apply to a sexually
7 oriented business.

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

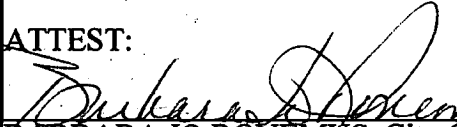
16 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this 7th day of June, 2000.

20 APPROVED:

21 By 
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 
25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27  5-9-2000
28 Date

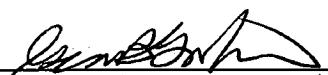
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 17th day of May, 2000 and referred to the following committee composed of the
3 Councilmen Weekly and Mack for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 7th day of June, 2000 which was a regular meeting of said
5 Council; that at said regular meeting, the proposed ordinance was read by title to the City
6 Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers M. McDonald, Reese, Brown,
8 L. B. McDonald, Weekly and Mack

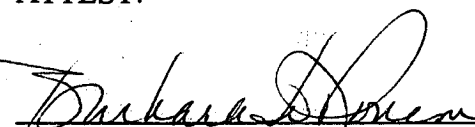
9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 APPROVED:

12
13 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk
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26

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1251006

2296311LV

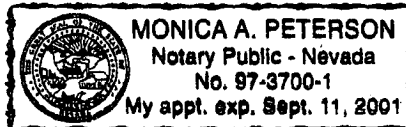
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 05/26/00 to 05/26/2000, on
the following days: MAY 26, 2000

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 26

day of May 2000

Monica A. Peterson
Notary Public



BILL NO. 2000-44

AN ORDINANCE TO AMEND THE LAS VEGAS MUNICIPAL CODE REGARDING ADMINISTRATIVE ACTION THAT MAY BE TAKEN IN CONNECTION WITH CERTAIN BUSINESSES PROTECTED BY THE FIRST AMENDMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: City Attorney
Bradford R. Jerbic
Summary: Adjusts licensing and zoning provisions regarding administrative action that may be taken in connection with certain businesses protected by the First Amendment

At a City Council meeting
May 17, 2000
BILL NO. 2000-44 WAS READ BY
TITLE
AND REFERRED TO RECOM-
MENDING COMMITTEE:
Councilmen Weekly and Mack

COPIES OF THE COMPLETE BILL
ARE AVAILABLE FOR PUBLIC IN-
FORMATION IN THE OFFICE OF
THE CITY CLERK, 1ST FLOOR,
CITY HALL, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: May 26, 2000
Las Vegas Review-Journal

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AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

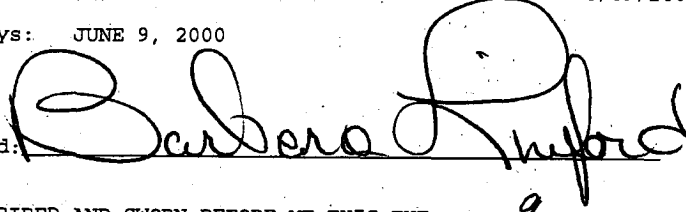
STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:
That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1277231

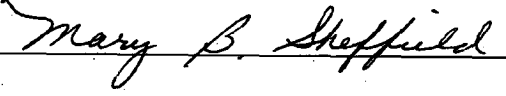
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was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/09/00 to 06/09/2000, on the following days: JUNE 9, 2000

Signed: 

SUBSCRIBED AND SWORN BEFORE ME THIS THE 9

day of June 2000


Notary Public

BILL NO. 2000-44
ORDINANCE NO. 5228

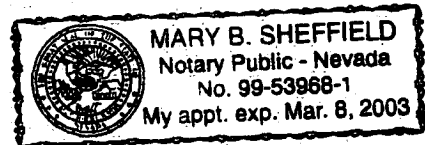
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of May, 2000, and referred to the following committee composed of Councilmen Weekly and Mack for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of June, 2000, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers M. McDonald, Reese, Brown, L.B. McDonald, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: June 9, 2000
Las Vegas Review-Journal



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