

Bill No. 95-42

Ordinance No. 3918

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2
3 AN ORDINANCE RELATING TO BUSINESS LICENSES; AMENDING TITLE 6 OF THE
4 MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY
5 ADDING THERETO A NEW CHAPTER CONTAINING LICENSING REQUIREMENTS FOR
6 ADULT BOOKSTORES, INCLUDING DEFINITIONS AND ADMINISTRATIVE
7 PROCEDURES; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF;
8 PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND
9 REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
10 HEREWITH.

8 Sponsored by:
Mayor Jan Laverty Jones

Summary: Establishes a new definition for
adult bookstore and establishes licensing
procedures therefor and other matters
relating thereto.

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

12 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter
14 6A, consisting of the provisions set forth as Sections 2 to 4, inclusive, of this Ordinance.

15 SECTION 2: **6.06A.010 Definitions.**

16 (A) "Adult book stores" is defined as an establishment which will or does derive
17 fifty-one percent or more of its gross revenue from sales of books, magazines,
18 films, videotapes, discs, and other periodicals which are distinguished or
19 characterized by their emphasis on matter depicting, describing or relating to
20 specified sexual activities or specified anatomical areas.

21 (B) "Bookstore" is defined as an establishment having a substantial or
22 significant portion of its stock in trade in books, magazines, films, tapes and discs
23 and other periodicals for sale or an establishment with a segment or section devoted
24 exclusively to the sale or display of such material.

25 (C) "Specified anatomical areas" is defined as:

26 (1) Less than completely and opaquely covered:

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- (a) Human genitals,
- (b) Pubic region,
- (c) Buttock, or
- (d) Female breast below a point immediately above the top of the areola;

(2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

(D) "Specified sexual activities" is defined as:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
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6.06A.015 Bookstore license required. No person, firm, or corporation shall perform the services of, or conduct, manage, or engage in the business of selling books, magazines, periodicals, news publications, films, tapes or discs without first obtaining a license from the Director of the Department of Finance and Business Services. Licensed grocery stores, drugstores, convenience stores, and gift shops with a newsstand selling periodicals, magazines and newspapers, incidental to food and drug items are exempted from the provisions of this Chapter, provided they do not sell or offer for sale books, magazines, periodicals, news publications, films, tapes or discs which are obscene or which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

6.06A.020 Issuance of license. After receipt and review of the application, the Director shall issue a license if:

- (A) The business for which a license is required herein will be carried on in a building, structure and a location which complies with the requirements and meets

1 the standards of the health, zoning, fire and safety laws of the State of Nevada and
2 ordinances of the City of Las Vegas applicable thereto; and

3 (B) The applicant, its employee, agent, partner, director, officer, stockholder
4 or manager has not knowingly made any false, misleading or fraudulent statement
5 of material fact in the application for permit, or in any report or record required
6 to be filed with the Department of Finance and Business Services.

7 **6.06A.025 License issuance or denial.**

8 (A) The Director shall issue or deny the bookstore license to the applicant
9 within thirty days from receipt of a complete application and fees upon compliance
10 with the requirements of this section and any applicable provisions of Title 6 of this
11 code.

12 (B) Failure of the Director to approve or deny the license application within the
13 thirty days shall result in the license being granted.

14 (C) If the application is denied, the Director shall notify the applicant with the
15 reason(s) stated for denial. Notification shall be sent certified, United States Mail,
16 return receipt requested, to the address provided on the license application which
17 shall be considered the correct address. Each applicant has the burden to furnish
18 any change of address to the Director, by United States certified mail, return
19 receipt requested.

20 (D) In the event that an application is denied, the applicant may file or cause to
21 be filed in the district court a petition for judicial examination of the validity of the
22 denial of the bookstore license as provided by Chapter 34 of NRS.

23 **6.06A.030 Recordkeeping.** For the purpose of ensuring the proper zoning of
24 adult bookstores, all bookstores shall keep a record of the sales of all books, magazines, films,
25 tapes, discs and other periodicals. The records so required shall categorize such sales as either
26 adult or nonadult. Sales are classified as adult if the particular book, magazine, film, tape, disc

1 or other periodical is distinguished or characterized by emphasis on matter depicting describing
2 or relating to specified sexual activities or specified anatomical areas, and the record shall include
3 the sales price of each such adult or nonadult item. The sales records shall be maintained for a
4 period of thirty-six months from the date of sale for purposes of auditing by the Department of
5 Finance and Business Services. Exempted from this requirement are adult bookstores located in
6 C-M and M districts which have received zoning approval pursuant to LVMC 19.74; or which
7 operate pursuant to nonconforming uses which satisfy the requirements specified in LVMC
8 19.74.040.

9 **6.06A.040 License suspension and revocation.**

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

21 (B) A bookstore license issued to any licensee under the provisions of this Title
22 shall be subject to revocation if such licensees maintain or carry on any business
23 in any building or structure which is structurally unsafe, or not provided with
24 adequate egress, or which constitutes a fire hazard, or which is otherwise
25 dangerous to human life or safety, or which in its relation to existing use
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(C) In the event the bookstore license is suspended or revoked, the license suspension or revocation shall be stayed for fourteen days from the date the written notice to the licensee for the licensee to seek judicial review. The license may waive the stay provision in writing, or the City may seek sooner to enforce the suspension or revocation by filing in the district court a petition for judicial review as provided in NRS 43.100 or by seeking alternative relief pursuant to Chapter 34 of NRS.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las

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1 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

2 PASSED, ADOPTED and APPROVED this 16th day of August, 1995.

3 APPROVED:

4 By ARNIE ADAMSEN

5 JAN LAVERTY JONES, MAYOR
6 ARNIE ADAMSEN, MAYOR PRO-TEM

6 ATTEST:

7 Kathleen M. Tighe
8 KATHLEEN M. TIGHE, City Clerk

9 Brad M. [Signature] 8/16/95
10 Approved as to legal form Date

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of June, 1995, and referred to the following committee composed of Councilmen Reese and McDonald for recommendation; thereafter the said committee reported favorably on said ordinance on the 16th day of August, 1995, which was a regular meeting of said Council; that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote.


VOTING "AYE": Councilmen Adamsen, McDonald and Reese

VOTING "NAY": None

ABSENT: Councilman Callister

DID NOT VOTE: Mayor Jones

APPROVED:
By 
JAN LAVERTY JONES, MAYOR
ARNIE ADAMSEN, MAYOR PRO-TEM

ATTEST:

KATHLEEN M. TIGHE, City Clerk

Bill No. 95-42

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PASSED, ADOPTED and APPROVED this 16th day of August, 1995.

APPROVED:

By _____

JAN LAVERTY JONES, MAYOR

ATTEST:

KATHLEEN M. TIGHE, City Clerk

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5 said City Council; and that at said regular meeting the proposed ordinance was read by title to
6 the City Council as amended and adopted by the following vote:

7 VOTING "AYE" Councilmen Adamsen, McDonald and Reese

8 VOTING "NAY" NONE

9 VOTING "ABSTAIN" NONE

10 ABSENT Councilman Callister

11 DID NOT VOTE: Mayor Jones

12 APPROVED

13
14 By _____
15 JAN LAVERTY JONES, MAYOR

16 ATTEST:

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18 KATHLEEN M. TIGHE, City Clerk
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1 **Bill No. 95-42**

SEE FIRST AMENDMENT

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The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day of _____, 1995, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the ____ day of _____, 1995, which was a _____ meeting of said Council; that at said _____ meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote.

VOTING "AYE": _____
VOTING "NAY": _____
ABSENT: _____

APPROVED:

By _____
JAN LAVERTY JONES, MAYOR

ATTEST:

KATHLEEN M. TIGHE, City Clerk

AFFIDAVIT OF PUBLICATION

AUG 31 11 36 AM '95

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FIRST AMENDMENT
BILL NO. 95-42
ORDINANCE NO. 3918

AN ORDINANCE RELATING TO BUSINESS LICENSES; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER CONTAINING LICENSING REQUIREMENTS FOR ADULT BOOKSTORES, INCLUDING DEFINITIONS AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor Jan Laverly Jones

SUMMARY: Establishes a new definition for adult bookstore and establishes licensing procedures therefor and other matters relating thereto. The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of June, 1995, and referred to the following committee composed of Councilmen Reese and McDonald, for recommendation; thereafter the said committee reported favorably on said ordinance on the 16th day of August, 1995, 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 amended and adopted by the following vote:
VOTING "AYE" Councilmen Adamson, McDonald, and Reese.
VOTING "NAY" NONE
VOTING "ABSTAIN" NONE
ABSENT Councilman Callister

DID NOT VOTE: Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: August 19, 1995
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of AUGUST 19, 1995 to AUGUST 19, 1995, on the following days:

AUGUST 19, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 22 day of Aug, 19 95

Peggy D. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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CITY CLERK

AUG 14 11 25 AM '95

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FIRST AMENDMENT
BILL NO. 95-42

AN ORDINANCE RELATING TO BUSINESS LICENSES; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER CONTAINING LICENSING REQUIREMENTS FOR ADULT BOOKSTORES, INCLUDING DEFINITIONS AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor Jan Loverly Jones.

SUMMARY: Establishes a new definition for adult bookstore and establishes licensing procedures therefor and other matters relating thereto. At a City Council meeting JUNE 21, 1995.

BILL NO. 95-42 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Reese and McDonald.

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: August 3, 1995
Los Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of AUGUST 3, 1995 to AUGUST 3, 1995, on the following days:

AUGUST 3, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 3 day of Aug, 1995

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1993

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AUG 31 11 37 AM '95

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FIRST AMENDMENT
BILL NO. 95-47
ORDINANCE NO. 3918

AN ORDINANCE RELATING TO BUSINESS LICENSES; AMENDING TITLE 4 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER CONTAINING LICENSING REQUIREMENTS FOR ADULT BOOKSTORES, INCLUDING DEFINITIONS AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor Jan Laverly Jones

SUMMARY: Establishes a new definition for adult bookstore and establishes licensing procedures therefor and other matters relating thereto. The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of June, 1995, and referred to the following committee composed of Councilmen Reese and McDonald, for recommendation; thereafter the said committee reported favorably on said ordinance on the 16th day of August, 1995, 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 amended and adopted by the following vote:

VOTING "AYE": Councilmen Adamson, McDonald, and Reese
VOTING "NAY": NONE
VOTING "ABSTAIN": NONE
ABSENT: Councilman Callister
DID NOT VOTE: Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: August 19, 1995
Los Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

JENNY WEIST, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of AUGUST 19, 1995 to AUGUST 19, 1995, on the following days:

AUGUST 19, 1995

Signed: Jenny Weist

Subscribed and sworn to before me this 30 day of Aug, 1995

Peggy D. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998



AFFIDAVIT OF PUBLICATION

AUG 14 11 25 AM '95

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FIRST AMENDMENT
BILL NO 95-42

AN ORDINANCE RELATING TO BUSINESS LICENSES; AMENDING TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER CONTAINING LICENSING REQUIREMENTS FOR ADULT BOOKSTORES, INCLUDING DEFINITIONS AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Mayor Jan Loverly Jones
SUMMARY: Establishes a new definition for adult bookstore and establishes licensing procedures therefor and other matters relating thereto.
At a City Council meeting JUNE 21, 1995
BILL NO. 95-42 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Reese and McDonald
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: August 3, 1995
Las Vegas Review Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA CARR, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of AUGUST 3, 1995 to AUGUST 3, 1995, on the following days:

AUGUST 3, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 3 day of Aug, 1995

Peggy J. Barron
Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998



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