

**Bill No. 95-40**

Ordinance No. 3916

AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, 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 Laverty Jones

Summary: Establishes a definition of erotic dance establishments, creates new licensing requirements therefor and other matters related thereto.

WHEREAS the Nevada Supreme Court, in following the United States Supreme Court, has recognized that nude dancing is "prurient entertainment only marginally within the outer perimeters of First Amendment protection." (City of Las Vegas v. 1017 South Main Corp., 110 Nev. Adv. Op. 145, 885 P.2d 552 (1994), citing Barnes v. Glen Theater, Inc., 501 U S 560, 115 L Ed 2d 504, 111 S Ct 2456 (1991));

WHEREAS it is within the City's interest and the City Council's police powers to provide for the public's health, safety and morals. (Barnes, Section 2 of the Las Vegas City Charter);

WHEREAS such an interest is unrelated to the suppression of free expression. (Barnes);

WHEREAS it is also within the City's interest and the City Council's police power to prevent harmful secondary effects of erotic nude dancing;

WHEREAS such secondary effects include the encouragement or facilitation of, involvement in or contribution to organized criminal activity, prostitution, solicitation of prostitution, crimes of theft, drugs and violence and other criminal activity. (Findings of the Clark County Commission, Clark County, Nevada; Barnes; Renton v. Playtime Theaters, 475 U S 41, 89 L Ed 2d 29, 106 S Ct 925 (1986); Young v. American Mini Theaters, Inc., 425 U S 50, 49

1 L Ed 2d 310, 96 S Ct 2440 (1976); California v. LaRue, 409 U S 109, 34 L Ed 2d 342, 93 S Ct  
2 390 (1972); Las Vegas Night Life, Inc. v. Clark County, F.3d (No. 93-15864 & 93-16184,  
3 9th Cir., 1994); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); and Dodger's Bar  
4 & Grill v. Johnson City Bd. of Comm'rs, 32 F. 3d 1436 (10th Cir. 1994);

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

7 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas,  
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter  
9 35, consisting of the provisions set forth as Sections 2 to 4, inclusive, of this Ordinance.

10 SECTION 2: **6.35.010 Findings.** The Las Vegas City Council  
11 finds that erotic dance establishments, if unregulated, will likely lead to an increase in prostitution,  
12 venereal disease, drug and alcohol offenses, fraud and other criminal activity; and

13 Erotic dance establishments sometimes are fronts for or operated by persons  
14 associated with organized criminal activities, and the need to scrutinize such dance studios is  
15 thereby enhanced; and

16 The law enforcement resources available for responding to problems associated with  
17 or created by erotic dance establishments are limited and are best conserved by regulating and  
18 licensing erotic dance establishments and those associated with them; and

19 The public health, safety, and welfare require that erotic dance establishments and  
20 their employees be regulated and licensed in order to reduce the potential for harm.

21 **6.35.020 Purpose.** The purpose of this Chapter is to regulate erotic  
22 dance establishments to the end that the many types of criminal activities frequently engendered  
23 by such establishments will be curtailed. However, it is recognized that such regulation cannot  
24 de facto approach prohibition. Otherwise a protected form of expression would vanish. This  
25 Chapter represents a balancing of competing interests: reduced criminal activity through the  
26 regulation of erotic dance establishments versus the protected rights of erotic dancers and patrons.

1                   **6.35.030**                   **Definitions.**     In this Chapter the following definitions and  
2 those in Title 6 shall apply unless the context clearly requires otherwise;

3                   (A)     "Council" means the Las Vegas City Council.

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

7                   This definition includes persons who receive any monetary consideration  
8 from an erotic dance establishment for soliciting the sale or purchase of any  
9 product by arousing, exciting or appealing to a patron's sexual desires or  
10 implying sexual gratification.

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

12                  (D)     "Director" means the Director of the Department of Finance and Business  
13 Services.

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

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

20                   **6.35.040**                   **Prima facie evidence of erotic dance establishment.** It shall  
21 be prima facie evidence that a business is an erotic dance establishment when one or more dancers  
22 displays or exposes, with less than a full opaque covering, that portion of the female breast lower  
23 than the upper edge of the areola, or entices or persuades a patron to purchase a beverage sold  
24 in the establishment.

25                   **6.35.050**                   **Certain activities prohibited.**

26                  (A)     No person, firm, partnership, corporation or other entity shall publicly

1 display or expose or suffer the public display or exposure, with less than  
2 a full opaque covering, of any portion of a person's genitals, pubic area or  
3 buttocks in a lewd and obscene fashion.

4 (B) It is unlawful for any person or agent or employee thereof to claim,  
5 represent or imply that any beverage which contains less than one-half of  
6 one percent of alcohol by volume is liquor, beer, wine, spirits, gin, whisky,  
7 champagne, cordials, ethyl alcohol, rum or any form thereof and sell same  
8 to the person to whom the claim, representation or implication was made.  
9 Any beverage sold in an erotic dance establishment which does not have a  
10 liquor license shall be delivered to the patron in the container with the  
11 alcoholic content, if any, clearly imprinted on the label in letters not less  
12 than three-sixteenths inch high.

13 **6.35.060 Erotic dance establishment license -- Application.**

14 (A) Application for an erotic dance establishment license shall be made to the  
15 Director.

16 (B) An application for an erotic dance establishment license shall be verified by  
17 the applicant and shall contain or set forth the following information:

- 18 (1) The name, address, telephone number, principal occupation, and age  
19 of the applicant;
- 20 (2) The name, address and principal occupation of the managing agent  
21 or agents of the business;
- 22 (3) The business name, business address, and business telephone  
23 number of the establishment or proposed establishment, together  
24 with a description of the nature of the business and magnitude  
25 thereof;
- 26 (4) Whether the business or proposed business is the undertaking of a

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sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer, director and shareholder (having more than ten percent of the outstanding shares) and the number of shares held by each;

- (5) The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real or personal property utilized or to be utilized by the business or proposed business;
- (6) A description of all other business enterprises (sales or services) which shall occur on the premises.
- (7) Whether the applicant, anyone having a ten percent interest in the business or proposed business, or anyone having an interest in the real property or personal property utilized or to be utilized by the business or proposed business or anyone having a right to ten percent of the proceeds of the business other than utilities has:
  - (a) Ever been convicted of or forfeited bail for any crime, excluding minor traffic offenses and, if so, the application shall state the person involved, the charge, date, court, and disposition of the charges.

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(b) Ever had a business license denied, revoked or charges filed therefor, and if so, the application shall state the person involved, the name of the business, date, jurisdiction, and outcome of any hearing.

(c) Ever owned, operated an escort service, an outcall promoter establishment, a brothel or adult nightclub theater, and if so, the name of the business, dates involved and position or interest therein.

(C) The applicants shall present themselves to the Metropolitan Police for investigation and fingerprinting and shall pay such investigation and fingerprint fee as is required by LVMC 6.86, and shall reveal to the Metropolitan Police such information as is required to properly identify the applicant to enable the investigation of the applicant's arrests and convictions, licensing and litigation record and verify the accuracy and completeness of the application.

(1) In all cases where the applicant for a license is a corporation, it shall be necessary for all of the principal officers of such corporation to present themselves for investigation and fingerprinting. All stockholders above ten percent or who exercise management of the corporation are required to present themselves for investigation and fingerprinting.

(D) Applications shall be accompanied by a nonrefundable fee of twenty-five dollars.

(E) An erotic dance establishment license shall be a semi-annual license renewable by payment of semi-annual license fees as found in LVMC 6.35.130 (A).

1                   **6.35.070                   License issuance or denial.**

2                   (A)    The Director of the Department of Finance and Business Services shall  
3                   issue or deny the license to the applicant within thirty days from receipt of  
4                   a complete application and fees upon compliance with all the requirements  
5                   of this section and any applicable provisions of Title 6 of this code. Failure  
6                   of the Director to approve or deny the license application within the thirty  
7                   days shall result in the license being granted.

8                   (1)    That upon the expiration of the thirty days the applicant may  
9                   demand a license and begin operating the erotic dance establishment  
10                  for which a license is sought, unless and until the Director notifies  
11                  the applicant of a denial of the license application and states the  
12                  reason for the denial. (This provision shall not create a reliance or  
13                  estoppel situation as to this license or any other provisions of this  
14                  code.)

15                  (B)    The Director shall consider the application by examination of:

- 16                  (1)    The information provided within the submitted application;  
17                  (2)    The circumstances of the applicant's criminal reputation, association  
18                  and business history;  
19                  (3)    The proposed business operation of the applicant;  
20                  (4)    The reports of zoning, building, fire and health department as  
21                  applicable.

22                  (C)    The Director shall not grant the license if:

- 23                  (1)    The applicant, whether an individual or any of the stockholders,  
24                  officers or directors, if a corporation or any of the partners, if a  
25                  partnership, including limited partners, or the manager or other  
26                  person principally in charge of the operation of the business, or any

1 person receiving, or having a right to receive any sum from, or  
2 percentage of the profits due to an interest in or sale of the business,  
3 has been convicted within a five-year period immediately prior to  
4 the date of the application of any crimes of embezzlement; or any  
5 crime involving fraud, consumer fraud or intent to defraud,  
6 prostitution, solicitation of prostitution; or has violated the law  
7 regarding fraudulent advertising;

8 (2) The operation as proposed by the applicant would not comply with  
9 all applicable laws, including, but not limited to, this title and the  
10 City's building, zoning, fire and health regulations;

11 (3) The applicant or any ten percent corporation share holder or a  
12 corporate officer has had a revocation of a business license for  
13 violations of code regulations pursuant to LVMC 6.06A (Adult  
14 Bookstore), 6.06B (Adult Nightclub Establishment), 6.35 (Erotic  
15 Dance), 6.36 (Escort Bureau and Personnel), 6.57 (Outcall  
16 Entertainment), and 19.74 (Sexually Oriented Businesses), within  
17 the preceding two years.

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

24 (E) In the event that an application is denied, the applicant may file or cause to  
25 be filed in the district court a petition for judicial examination of the  
26 validity of the denial of the erotic dance establishment license as provided

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by Chapter 34 of NRS.

**6.35.080 Work card.** No person shall work at an erotic dance establishment without a valid work card.

**6.35.090 Work card application and issuance.**

(A) Each license and any dancer, bar personnel, waiters/waitresses or managers, whether a full or part time employee or independent contractor, who works or renders services in a licensed erotic dance establishment business or facility shall obtain prior to the issuance of the license or the commencement of work and keep in force during the term of his license or employment, a work identification card for erotic dance establishment issued under LVMC 6.86 and 6.35. The investigation for issuance of a work identification card will include a fingerprint check by the Federal Bureau of Investigation. Work cards applied for pursuant to this Chapter shall be issued on the eleventh working day following application therefore unless denied within ten working days from application.

(1) Within 24 hours of the receipt of a work card application by a dancer, the Las Vegas Metropolitan Police Department shall issue a temporary work card, subject to completion of the investigation described herein, unless it is determined that the applicant is under 18 years of age, or is currently wanted for criminal activity, or cannot establish identification.

(B) The Las Vegas Metropolitan Police Department shall deny the issuance or renewal of a work identification card for this Chapter only if:

(1) The application is not complete or the applicant has made false, misleading or fraudulent statements with respect to any material fact contained in the application for a work identification card;

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(2) The applicant has committed any crimes involving fraud, consumer fraud or intent to defraud, prostitution, solicitation of prostitution, or has violated the law regarding fraudulent advertising within two years of application for this specific work card; or

(3) The applicant has violated code regulations, as set out within LVMC 6.35.110, or has had a business license revoked pursuant to this Title, or the issuance or renewal thereof has been denied by the City of Las Vegas or any other government entity within one year of the date of the application for any reason set out in this subsection.

(C) Suspension -- Revocation. Any work identification card issued for this Chapter shall only be suspended or revoked for grounds set forth in Subsection (B) above pursuant to the procedures set forth in LVMC 6.86.

(D) In the event that an applicant's work card is denied, suspended or revoked, the applicant may cause an appeal to be filed to the City Council, by filing a written appeal with the Director within ten days of notice of denial, suspension or revocation. A public hearing shall be held before the board held thereafter before the City Council pursuant to LVMC 6.86.150; or the applicant may file or cause to be filed in the district court a petition for judicial review of the denial, suspension or revocation pursuant to NRS 34 et seq..

**6.35.110 Erotic dance establishment regulations.**

(A) No person, firm, partnership, corporation or other entity shall advertise, or cause to be advertised, as an erotic dance establishment without a valid erotic dance establishment license issued pursuant to this Chapter.

(B) No later than the fifteenth day of the month succeeding the semi-annual license period, an erotic dance establishment licensee shall file a verified report with the Department showing the licensee's gross receipts and

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amounts paid to dancers for the preceding semi-annual period.

- (C) An erotic dance establishment licensee shall maintain and retain for a period of three years the names, addresses, a copy of each dancer's work card, new and renewal, and ages of all persons employed as dancers by the licensee.
- (D) No erotic dance establishment licensee shall employ as a dancer a person under the age of eighteen years or a person is not licensed pursuant to this Chapter and LVMC 6.86.
- (E) No person under the age of eighteen years shall be admitted to a nonalcoholic erotic dance establishment. No patron under the age of twenty-one shall be admitted to an alcoholic erotic dance establishment.
- (F) No erotic dance establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol upon the premises of the licensee without a valid liquor license.
- (G) An erotic dance establishment licensee shall conspicuously display all licenses required by this Chapter.
- (H) Dancing shall take place within an area which is visible immediately upon entrance to the establishment premises, is visible immediately from the entry room, is visible immediately from one fixed staffed security station, or is visible immediately from a service bar area of the establishment's premises; however, no erotic dancing shall be visible to the outside sidewalk or street areas. Dance areas must not be obscured by any curtain or door that restricts view from one of the above-described areas. Patrons will not be allowed to enter private rooms with dancers.
- (I) No dancer shall fondle or caress any patron, and no patron shall fondle or

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caress any dancer.

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

(K) All erotic dance establishments licensed pursuant to this Chapter shall post on each entrance door and not more than five inches above each entrance door, and in at least three places behind the bar a sign with letters not less than three inches high stating:

"ALCOHOLIC LIQUOR IS NOT SOLD HERE"

"PROSTITUTION IS UNLAWFUL"

The letters must be black on a yellow background and the sign on each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficient to be visible by a person with normal eyesight or eyesight corrected to 20-/20, thirty feet from the sign.

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

**6.35.120 Inspections.** All books and records required to be kept pursuant to this Chapter shall be open to inspection by the Las Vegas Metropolitan Police Department or Department of Finance and Business Services during the hours when the erotic dance establishment is open for business. The purpose of such inspection shall be to determine whether the books and records meet the requirements of this Title.

1                   **6.35.130                   License fee and reports.**

2                   (A)    The license fee for an erotic dance establishment shall be two-hundred  
3                   dollars (\$200.00) to be paid on or before the fifteenth day succeeding the  
4                   end of the semi-annual license period.

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

10                  (1)    Each report must be accompanied by the amount of license fee  
11                  which is due for the next semi-annual period.

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

20                  (3)    All reports required by this Chapter to be filed with the Director  
21                  shall be sworn under oath by the manager or licensee of an erotic  
22                  dance establishment license, that the information contained therein  
23                  is true to his personal knowledge. A bookkeeper or accountant may  
24                  file the report for a licensee if the licensee appoints the bookkeeper  
25                  or accountant as his agent for such purpose through written notice  
26                  filed with the report. The document submitted shall contain the

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following signature line and shall be sworn before an officer  
empowered to administer oaths:

\_\_\_\_\_  
Signed, position

SUBSCRIBED and SWORN to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for said  
County and State

**6.35.140 Security guard identification cards.** All security guards  
working in or employed by an erotic dance establishment must obtain a work  
identification card. Security guards in exotic dance studios shall not carry firearms,  
night sticks, clubs, or chemical or electronic weapons.

**6.35.150 Revocation or suspension of license or permit.**

(A) The Las Vegas City Council shall not act to revoke or suspend an erotic  
dance establishment license until after:

- (1) The licensee or is given at least ten days' written notice of the  
specific charges;
- (2) A hearing is held before the Las Vegas City Council at which time  
the licensee may present such evidence and defense as may bear  
upon the question.

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

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or obsolescence.

(C) The erotic dance establishment license, shall be revoked or suspended if the licensee or his, her or its employee, agent or manager has made any false, misleading or fraudulent statement of material fact in the application for the license at issue or in any semi-annual report required to be filed with the Department (LVMC 6.35.130) or record required to be kept for three years (LVMC 6.35.130) or knowingly caused or suffered another to furnish such false, misleading or fraudulent information or withhold such required information on his, her or its behalf, or violates any provisions of LVMC 6.35.110.

(D) In the event the erotic dance establishment license is suspended or revoked, the license suspension or revocation shall be stayed for fourteen days from the date of the written notice to the licensee for the licensee to seek judicial review. The licensee 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 by NRS 43.100 or by seeking alternative relief pursuant to Chapter 34 of NRS.

**6.35.160 Exemptions.** Shows which are held in the showrooms of a hotel/casino containing over 300 rooms which 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 regulations and fees of this Chapter. Establishments operating and approved for adult uses pursuant to LVMC 19.74. or that have been deemed a nonconforming use pursuant to LVMC 19.74.040 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

1 provisions of LVMC 6.35.110(C), (D), (G), (H), (I), (J), and (M) and other  
2 applicable sections of the Las Vegas Municipal Code. Establishments which do not  
3 conform to the requirements of LVMC 6.35.110 shall be deemed a non-conforming  
4 use and shall have a period of one year to comply. Any alteration necessary to  
5 bring a non-conforming use into compliance with the provisions of this Chapter  
6 shall not require a variance if the business is a non-conforming use under LVMC  
7 19.74.

8 **6.35.170 Responsibility of licensee.** The holder of an erotic dance  
9 establishment license is responsible for the acts of its employees and independent  
10 or subcontractors, including but not limited to attendants, servers, security guards,  
11 managers and dancers. An erotic dance establishment license may be revoked for  
12 acts of such agent, employee or subcontractor or independent contractor which  
13 violates any provision of this Chapter. It is the duty of the licensee to prevent  
14 fraud, prostitution and the solicitation of prostitution upon the licensed premises.

15 **6.35.180 Penalty.** It is unlawful for any person or business entity to  
16 engage in business as an erotic dance establishment, manager, dancer or as  
17 attendant and/or server within the City of Las Vegas without first obtaining a  
18 license or permit therefor as provided in this Chapter. It is unlawful for a dancer  
19 to dance in a place or manner prohibited in this Chapter. Any person, firm or  
20 corporation violating this section shall be guilty of a misdemeanor and each such  
21 person, firm or corporation shall be deemed guilty of a separate offense for each  
22 and every day during which the violation is committed, continued or permitted, and  
23 upon conviction of such violation, such person, firm or corporation shall be  
24 punished by a fine of not less than two hundred fifty dollars for the first offense;  
25 not less than five hundred dollars for the second offense; not less than nine hundred  
26 fifty dollars for the third offense; and a fine of one thousand dollars plus not less

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than one week imprisonment for the fourth or additional offenses. In no case shall any sentence exceed more than a one thousand dollar fine and/or six months imprisonment; provided, no person shall be deemed guilty of any violation of this Chapter if acting in an investigative capacity pursuant to the request of the Metropolitan Police Department or director.

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

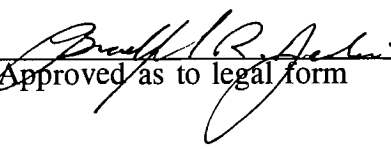
PASSED, ADOPTED and APPROVED this 16th day of August, 1995.

APPROVED:

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

ATTEST:

  
KATHLEEN M. TIGHE, City Clerk

 Approved as to legal form  
8/16/95 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": Mayor Jones and Councilmen Adamsen, McDonald and Reese

VOTING "NAY": NONE

ABSENT: Councilman Callister

APPROVED:

By ARNIE ADAMSEN  
ARNIE ADAMSEN, Mayor Pro Tem

ATTEST:

Kathleen M. Tighe  
KATHLEEN M. TIGHE, City Clerk

Bill No. 95-40

See Second Amendment

Ordinance No. \_\_\_\_\_

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4 AN ORDINANCE RELATING TO PRIVILEGED LICENSES; AMENDING TITLE 6 OF THE  
5 MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY  
6 ADDING THERETO A NEW CHAPTER CONTAINING LICENSING REQUIREMENTS FOR  
7 EROTIC DANCE ESTABLISHMENTS, 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.

8 Sponsored by:  
9 Mayor Jan Laverty Jones

Summary: Establishes a definition of erotic  
dance establishments, creates new licensing  
requirements therefor and other matters  
related thereto.

10 WHEREAS the Nevada Supreme Court, in following the United States Supreme  
11 Court, has recognized that nude dancing is "prurient entertainment only marginally within the  
12 outer perimeters of First Amendment protection." (City of Las Vegas v. 1017 South Main Corp.,  
13 110 Nev. Adv. Op. 145, 885 P.2d 552 (1994), citing Barnes v. Glen Theater, Inc., 501 U S 560,  
14 115 L Ed 2d 504, 111 S Ct 2456 (1991));

15 WHEREAS it is within the City's interest and the City Council's police powers to  
16 provide for the public's health, safety and morals. (Barnes, Section 2 of the Las Vegas City  
17 Charter);

18 WHEREAS such an interest is unrelated to the suppression of free expression.  
19 (Barnes);

20 WHEREAS it is also within the City's interest and the City Council's police power  
21 to prevent harmful secondary effects of erotic nude dancing;

22 WHEREAS such secondary effects include the encouragement or facilitation of,  
23 involvement in or contribution to organized criminal activity, prostitution, solicitation of  
24 prostitution, crimes of theft, drugs and violence and other criminal activity. (Findings of the Clark  
25 County Commission, Clark County, Nevada; Barnes; Renton v. Playtime Theaters, 475 U S 41,  
26 89 L Ed 2d 29, 106 S Ct 925 (1986); Young v. American Mini Theaters, Inc., 425 U S 50, 49

1 L Ed 2d 310, 96 S Ct 2440 (1976); California v. LaRue, 409 U S 109, 34 L Ed 2d 342, 93 S Ct  
2 390 (1972); Las Vegas Night Life, Inc. v. Clark County, F.3d (No. 93-15864 & 93-16184,  
3 9th Cir., 1994); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); and Dodger's Bar  
4 & Grill v. Johnson City Bd. of Comm'rs, 32 F. 3d 1436 (10th Cir. 1994);

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

7 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas,  
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter  
9 35, consisting of the provisions set forth as Sections 2 to 4, inclusive, of this Ordinance.

10 SECTION 2: **6.35.010 Findings.** The Las Vegas City Council  
11 finds that erotic dance establishments, if unregulated, will likely lead to an increase in prostitution,  
12 venereal disease, drug and alcohol offenses, fraud and other criminal activity; and

13 Erotic dance establishments sometimes are fronts for or operated by persons  
14 associated with organized criminal activities, and the need to scrutinize such dance studios is  
15 thereby enhanced; and

16 The law enforcement resources available for responding to problems associated with  
17 or created by erotic dance establishments are limited and are best conserved by regulating and  
18 licensing erotic dance establishments and those associated with them; and

19 The public health, safety, and welfare require that erotic dance establishments and  
20 their employees be regulated and licensed in order to reduce the potential for harm.

21 **6.35.020 Purpose.** The purpose of this Chapter is to regulate erotic  
22 dance establishments to the end that the many types of criminal activities frequently engendered  
23 by such establishments will be curtailed. However, it is recognized that such regulation cannot  
24 de facto approach prohibition. Otherwise a protected form of expression would vanish. This  
25 Chapter represents a balancing of competing interests: reduced criminal activity through the  
26 regulation of erotic dance establishments versus the protected rights of erotic dancers and patrons.

1                   **6.35.030**                   **Definitions.**     In this Chapter the following definitions and  
2 those in Title 6 shall apply unless the context clearly requires otherwise;

3                   (A)     "Council" means the Las Vegas City Council.

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

7                   This definition includes persons who receive any monetary consideration  
8 from an erotic dance establishment for soliciting the sale or purchase of any  
9 product by arousing, exciting or appealing to a patron's sexual desires or  
10 implying sexual gratification.

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

12                  (D)     "Director" means the Director of the Department of Finance and Business  
13 Services.

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

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

20                   **6.35.040**                   **Prima facie evidence of erotic dance establishment.** It shall  
21 be prima facie evidence that a business is an erotic dance establishment when one or more dancers  
22 displays or exposes, with less than a full opaque covering, that portion of the female breast lower  
23 than the upper edge of the areola, or entices or persuades a patron to purchase a beverage sold  
24 in the establishment.

25                   **6.35.050**                   **Certain activities prohibited.**

26                  (A)     No person, firm, partnership, corporation or other entity shall publicly

1 display or expose or suffer the public display or exposure, with less than  
2 a full opaque covering, of any portion of a person's genitals, pubic area or  
3 buttocks in a lewd and obscene fashion.

4 (B) It is unlawful for any person or agent or employee thereof to claim,  
5 represent or imply that any beverage which contains less than one-half of  
6 one percent of alcohol by volume is liquor, beer, wine, spirits, gin, whisky,  
7 champagne, cordials, ethyl alcohol, rum or any form thereof and sell same  
8 to the person to whom the claim, representation or implication was made.  
9 Any beverage sold in an erotic dance establishment which does not have a  
10 liquor license shall be delivered to the patron in the container with the  
11 alcoholic content, if any, clearly imprinted on the label in letters not less  
12 than three-sixteenths inch high.

13 **6.35.060 Erotic dance establishment license -- Application.**

14 (A) Application for an erotic dance establishment license shall be made to the  
15 Director.

16 (B) An application for an erotic dance establishment license shall be verified by  
17 the applicant and shall contain or set forth the following information:

- 18 (1) The name, address, telephone number, principal occupation, and age  
19 of the applicant;
- 20 (2) The name, address and principal occupation of the managing agent  
21 or agents of the business;
- 22 (3) The business name, business address, and business telephone  
23 number of the establishment or proposed establishment, together  
24 with a description of the nature of the business and magnitude  
25 thereof;
- 26 (4) Whether the business or proposed business is the undertaking of a

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sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer, director and shareholder (having more than ten percent of the outstanding shares) and the number of shares held by each;

- (5) The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real or personal property utilized or to be utilized by the business or proposed business;
- (6) A description of all other business enterprises (sales or services) which shall occur on the premises.
- (7) Whether the applicant, anyone having a ten percent interest in the business or proposed business, or anyone having an interest in the real property or personal property utilized or to be utilized by the business or proposed business or anyone having a right to ten percent of the proceeds of the business other than utilities has:
  - (a) Ever been convicted of or forfeited bail for any crime, excluding minor traffic offenses and, if so, the application shall state the person involved, the charge, date, court, and disposition of the charges.

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(b) Ever had a business license denied, revoked or charges filed therefor, and if so, the application shall state the person involved, the name of the business, date, jurisdiction, and outcome of any hearing.

(c) Ever owned, operated an escort service, an outcall promoter establishment, a brothel or adult nightclub theater, and if so, the name of the business, dates involved and position or interest therein.

(C) The applicants shall present themselves to the Metropolitan Police for investigation and fingerprinting and shall pay such investigation and fingerprint fee as is required by LVMC 6.86, and shall reveal to the Metropolitan Police such information as is required to properly identify the applicant to enable the investigation of the applicant's arrests and convictions, licensing and litigation record and verify the accuracy and completeness of the application.

(1) In all cases where the applicant for a license is a corporation, it shall be necessary for all of the principal officers of such corporation to present themselves for investigation and fingerprinting. All stockholders above ten percent or who exercise management of the corporation are required to present themselves for investigation and fingerprinting.

(D) Applications shall be accompanied by a nonrefundable fee of twenty-five dollars.

(E) An erotic dance establishment license shall be a semi-annual license renewable by payment of semi-annual license fees as found in LVMC 6.35.130 (A).

1                   **6.35.070                   License issuance or denial.**

2           (A)   The Director of the Department of Finance and Business Services shall  
3                   issue or deny the license to the applicant within thirty days from receipt of  
4                   a complete application and fees upon compliance with all the requirements  
5                   of this section and any applicable provisions of Title 6 of this code. Failure  
6                   of the Director to approve or deny the license application within the thirty  
7                   days shall result in the license being granted.

8                   (1)   That upon the expiration of the thirty days the applicant may  
9                   demand a license and begin operating the erotic dance establishment  
10                   for which a license is sought, unless and until the Director notifies  
11                   the applicant of a denial of the license application and states the  
12                   reason for the denial. (This provision shall not create a reliance or  
13                   estoppel situation as to this license or any other provisions of this  
14                   code.)

15           (B)   The Director shall consider the application by examination of:

- 16                   (1)   The information provided within the submitted application;  
17                   (2)   The circumstances of the applicant's criminal reputation, association  
18                   and business history;  
19                   (3)   The proposed business operation of the applicant;  
20                   (4)   The reports of zoning, building, fire and health department as  
21                   applicable.

22           (C)   The Director shall not grant the license if:

- 23                   (1)   The applicant, whether an individual or any of the stockholders,  
24                   officers or directors, if a corporation or any of the partners, if a  
25                   partnership, including limited partners, or the manager or other  
26                   person principally in charge of the operation of the business, or any

1 person receiving, or having a right to receive any sum from, or  
2 percentage of the profits due to an interest in or sale of the business,  
3 has been convicted within a five-year period immediately prior to  
4 the date of the application of any crimes of embezzlement; or any  
5 crime involving fraud, consumer fraud or intent to defraud,  
6 prostitution, solicitation of prostitution; or has violated the law  
7 regarding fraudulent advertising;

8 (2) The operation as proposed by the applicant would not comply with  
9 all applicable laws, including, but not limited to, this title and the  
10 City's building, zoning, fire and health regulations;

11 (3) The applicant or any ten percent corporation share holder or a  
12 corporate officer has had a revocation of a business license for  
13 violations of code regulations pursuant to LVMC 6.06A (Adult  
14 Bookstore), 6.06B (Adult Nightclub Establishment), 6.35 (Erotic  
15 Dance), 6.36 (Escort Bureau and Personnel), 6.57 (Outcall  
16 Entertainment), and 19.74 (Sexually Oriented Businesses), within  
17 the preceding two years.

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

24 (E) In the event that an application is denied, the applicant may file or cause to  
25 be filed in the district court a petition for judicial examination of the  
26 validity of the denial of the erotic dance establishment license as provided

1 by Chapter 34 of NRS.

2 **6.35.080 Work card.** No person shall work at an erotic dance  
3 establishment without a valid work card.

4 **6.35.090 Work card application and issuance.**

5 (A) Each license and any dancer, bar personnel, waiters/waitresses or  
6 managers, whether a full or part time employee or independent contractor,  
7 who works or renders services in a licensed erotic dance establishment  
8 business or facility shall obtain prior to the issuance of the license or the  
9 commencement of work and keep in force during the term of his license or  
10 employment, a work identification card for erotic dance establishment  
11 issued under LVMC 6.86 and 6.35. The investigation for issuance of a  
12 work identification card will include a fingerprint check by the Federal  
13 Bureau of Investigation. Work cards applied for pursuant to this Chapter  
14 shall be issued on the eleventh working day following application therefore  
15 unless denied within ten working days from application.

16 (B) The Las Vegas Metropolitan Police Department shall deny the issuance or  
17 renewal of a work identification card for this Chapter only if:

- 18 (1) The application is not complete or the applicant has made false,  
19 misleading or fraudulent statements with respect to any material fact  
20 contained in the application for a work identification card;
- 21 (2) The applicant has committed any crimes involving fraud, consumer  
22 fraud or intent to defraud, prostitution, solicitation of prostitution,  
23 or has violated the law regarding fraudulent advertising within two  
24 years of application for this specific work card; or
- 25 (3) The applicant has violated code regulations, as set out within LVMC  
26 6.35.110, or has had a business license revoked pursuant to this

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Title, or the issuance or renewal thereof has been denied by the City of Las Vegas or any other government entity within one year of the date of the application for any reason set out in this subsection.

(C) Suspension -- Revocation. Any work identification card issued for this Chapter shall only be suspended or revoked for grounds set forth in Subsection (B) above pursuant to the procedures set forth in LVMC 6.86.

(D) In the event that an applicant's work card is denied, suspended or revoked, the applicant may cause an appeal to be filed to the City Council, by filing a written appeal with the Director within ten days of notice of denial, suspension or revocation. A public hearing shall be held before the board held thereafter before the City Council pursuant to LVMC 6.86.150; or the applicant may file or cause to be filed in the district court a petition for judicial review of the denial, suspension or revocation pursuant to NRS 34 et seq..

**6.35.110 Erotic dance establishment regulations.**

(A) No person, firm, partnership, corporation or other entity shall advertise, or cause to be advertised, as an erotic dance establishment without a valid erotic dance establishment license issued pursuant to this Chapter.

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

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

(D) No erotic dance establishment licensee shall employ as a dancer a person

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under the age of eighteen years or a person is not licensed pursuant to this Chapter and LVMC 6.86.

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

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

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

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

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

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

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(K) All erotic dance establishments licensed pursuant to this Chapter shall post on each entrance door and not more than five inches above each entrance door, and in at least three places behind the bar a sign with letters not less than three inches high stating:

"ALCOHOLIC LIQUOR IS NOT SOLD HERE"  
"PROSTITUTION IS UNLAWFUL"

The letters must be black on a yellow background and the sign on each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficient to be visible by a person with normal eyesight or eyesight corrected to 20-/20, thirty feet from the sign.

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

**6.35.120 Inspections.** All books and records required to be kept pursuant to this Chapter shall be open to inspection by the Las Vegas Metropolitan Police Department or Department of Finance and Business Services during the hours when the erotic dance establishment is open for business. The purpose of such inspection shall be to determine whether the books and records meet the requirements of this Title.

**6.35.130 License fee and reports.**

(A) The license fee for an erotic dance establishment shall be two-hundred dollars (\$200.00) to be paid on or before the fifteenth day succeeding the end of the semi-annual license period.

(B) Every person licensed pursuant to this Chapter shall file with the Department on or before the fifteenth day succeeding the end of a semi-

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annual period a report signed by the licensee under oath that the report is true to his/her own knowledge. The report shall provide any changes in information submitted pursuant to LVMC 6.35.060.

- (1) Each report must be accompanied by the amount of license fee which is due for the next semi-annual period.
- (2) Any licensee who fails to fully pay the license fee imposed by this Chapter with the complete report as required herein, is subject to a penalty of five percent of the amount due. All licenses for which the fees have not been paid and/or complete reports received within thirty days after the due date automatically expire. Any such expired license shall not be reinstated until the penalty and a ten-percent reinstatement fee of the total amount due shall be paid and complete reports received.
- (3) All reports required by this Chapter to be filed with the Director shall be sworn under oath by the manager or licensee of an erotic dance establishment license, that the information contained therein is true to his personal knowledge. A bookkeeper or accountant may file the report for a licensee if the licensee appoints the bookkeeper or accountant as his agent for such purpose through written notice filed with the report. The document submitted shall contain the following signature line and shall be sworn before an officer

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empowered to administer oaths:

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Signed, position

SUBSCRIBED and SWORN to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for said  
County and State

**6.35.140 Security guard identification cards.** All security guards working in or employed by an erotic dance establishment must obtain a work identification card. Security guards in exotic dance studios shall not carry firearms, night sticks, clubs, or chemical or electronic weapons.

**6.35.150 Revocation or suspension of license or permit.**

(A) The Las Vegas City Council shall not act to revoke or suspend an erotic dance establishment license until after:

- (1) The licensee or is given at least ten days' written notice of the specific charges;
- (2) A hearing is held before the Las Vegas City Council at which time the licensee may present such evidence and defense as may bear upon the question.

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

1 (C) The erotic dance establishment license, shall be revoked or suspended if the  
2 licensee or his, her or its employee, agent or manager has made any false,  
3 misleading or fraudulent statement of material fact in the application for the  
4 license at issue or in any semi-annual report required to be filed with the  
5 Department (LVMC 6.35.130) or record required to be kept for three years  
6 (LVMC 6.35.130) or knowingly caused or suffered another to furnish such  
7 false, misleading or fraudulent information or withhold such required  
8 information on his, her or its behalf, or violates any provisions of LVMC  
9 6.35.110.

10 (D) In the event the erotic dance establishment license is suspended or revoked,  
11 the license suspension or revocation shall be stayed for fourteen days from  
12 the date of the written notice to the licensee for the licensee to seek judicial  
13 review. The licensee may waive the stay provision in writing, or the City  
14 may seek sooner to enforce the suspension or revocation by filing in the  
15 district court a petition for judicial review as provided by NRS 43.100 or  
16 by seeking alternative relief pursuant to Chapter 34 of NRS.

17 **6.35.160 Exemptions.** Shows which are held in the showrooms of a  
18 hotel/casino containing over 300 rooms which is subject to the casino entertainment  
19 tax defined in NRS 463.401, and dance presentations which are conducted in  
20 establishments licensed to sell liquor pursuant to LVMC 6.50, are exempt from the  
21 licensing regulations and fees of this Chapter. Establishments operating and  
22 approved for adult uses pursuant to LVMC 19.74. or that have been deemed a  
23 nonconforming use pursuant to LVMC 19.74.040 prior to the dates specified  
24 therein may continue to provide adult entertainment (dancers and strippers) and are  
25 exempt from LVMC 6.35.050(A), but must comply with all other applicable code  
26 provisions of LVMC 6.35.110(C), (D), (G), (H), (I), (J), and (M) and other

1 applicable sections of the Las Vegas Municipal Code. Establishments which do not  
2 conform to the requirements of LVMC 6.35.110 shall be deemed a non-conforming  
3 use and shall have a period of one year to comply. Any alteration necessary to  
4 bring a non-conforming use into compliance with the provisions of this Chapter  
5 shall not require a variance if the business is a non-conforming use under LVMC  
6 19.74.

7 **6.35.170 Responsibility of licensee.** The holder of an erotic dance  
8 establishment license is responsible for the acts of its employees and independent  
9 or subcontractors, including but not limited to attendants, servers, security guards,  
10 managers and dancers. An erotic dance establishment license may be revoked for  
11 acts of such agent, employee or subcontractor or independent contractor which  
12 violates any provision of this Chapter. It is the duty of the licensee to prevent  
13 fraud, prostitution and the solicitation of prostitution upon the licensed premises.

14 **6.35.180 Penalty.** It is unlawful for any person or business entity to  
15 engage in business as an erotic dance establishment, manager, dancer or as  
16 attendant and/or server within the City of Las Vegas without first obtaining a  
17 license or permit therefor as provided in this Chapter. It is unlawful for a dancer  
18 to dance in a place or manner prohibited in this Chapter. Any person, firm or  
19 corporation violating this section shall be guilty of a misdemeanor and each such  
20 person, firm or corporation shall be deemed guilty of a separate offense for each  
21 and every day during which the violation is committed, continued or permitted, and  
22 upon conviction of such violation, such person, firm or corporation shall be  
23 punished by a fine of not less than two hundred fifty dollars for the first offense;  
24 not less than five hundred dollars for the second offense; not less than nine hundred  
25 fifty dollars for the third offense; and a fine of one thousand dollars plus not less  
26 than one week imprisonment for the fourth or additional offenses. In no case shall

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any sentence exceed more than a one thousand dollar fine and/or six months imprisonment; provided, no person shall be deemed guilty of any violation of this Chapter if acting in an investigative capacity pursuant to the request of the Metropolitan Police Department or director.

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

PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

APPROVED:

By \_\_\_\_\_  
JAN LAVERTY JONES, MAYOR

ATTEST:

\_\_\_\_\_  
KATHLEEN M. TIGHE, City Clerk

1 The above and foregoing ordinance was first proposed and read by title to the  
2 City Council on the 21st day of June, 1995, and referred to the following committee composed of  
3 Councilmen Reese and McDonald, for recommendation; thereafter the said committee reported  
4 favorably on said ordinance on the 16th day of August, 1995, which was a regular meeting of  
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 By \_\_\_\_\_  
14 JAN LAVERTY JONES, MAYOR

15 ATTEST:

16 \_\_\_\_\_  
17 KATHLEEN M. TIGHE, City Clerk

2 Ordinance No. \_\_\_\_\_

3 AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, INCLUDING DEFINITIONS AND  
7 ADMINISTRATIVE PROCEDURES; PROVIDING FOR PENALTIES FOR THE VIOLATION  
8 HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND  
9 REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT  
10 HEREWITH.

11 Sponsored by:  
12 Mayor Jan Laverty Jones

Summary: Establishes a definition of erotic  
dance establishments, creates new licensing  
requirements therefor and other matters  
related thereto.

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

15 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas,  
16 Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter  
17 35, consisting of the provisions set forth as Sections 2 to 4, inclusive, of this Ordinance.

18 SECTION 2: **6.35.010 Findings.** The Las Vegas City Council  
19 finds that erotic dance establishments, if unregulated, will likely lead to an increase in prostitution,  
20 venereal disease, drug and alcohol offenses, fraud and other criminal activity; and

21 Erotic dance establishments sometimes are fronts for or operated by persons  
22 associated with organized criminal activities, and the need to scrutinize such dance studios is  
23 thereby enhanced; and

24 The law enforcement resources available for responding to problems associated with  
25 or created by erotic dance establishments are limited and are best conserved by regulating and  
26 licensing erotic dance establishments and those associated with them; and

The public health, safety, welfare and convenience require that erotic dance  
establishments and their employees be regulated and licensed in order to reduce the potential for  
harm.

**6.35.020 Purpose.** The purpose of this Chapter is to regulate erotic

1 dance establishments to the end that the many types of criminal activities frequently engendered  
2 by such establishments will be curtailed. However, it is recognized that such regulation cannot  
3 de facto approach prohibition. Otherwise a protected form of expression would vanish. This  
4 Chapter represents a balancing of competing interests: reduced criminal activity through the  
5 regulation of erotic dance establishments versus the protected rights of erotic dancers and patrons.

6 **6.35.030 Definitions.** In this Chapter the following definitions and  
7 those in Title 6 shall apply unless the context clearly requires otherwise;

8 (A) "Council" means the Las Vegas City Council.

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

12 This definition includes persons who receive any monetary consideration  
13 from an erotic dance establishment for soliciting the sale or purchase of any  
14 product by arousing, exciting or appealing to a patron's sexual desires or  
15 implying sexual gratification.

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

17 (D) "Director" means the Director of the Department of Finance and Business  
18 Services.

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

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

25 **6.35.040 Prima facie evidence of erotic dance establishment.** It shall  
26 be prima facie evidence that a business is an erotic dance establishment when one or more dancers

1 displays or exposes, with less than a full opaque covering, that portion of the female breast lower  
2 than the upper edge of the areola, or entices or persuades a patron to purchase a beverage sold  
3 in the establishment.

4 **6.35.050 Certain activities prohibited.**

5 (A) No person, firm, partnership, corporation or other entity shall publicly  
6 display or expose or suffer the public display or exposure, with less than  
7 a full opaque covering, of any portion of a person's genitals, pubic area or  
8 buttocks in a lewd and obscene fashion.

9 (B) It is unlawful for any person or agent or employee thereof to claim,  
10 represent or imply that any beverage which contains less than one-half of  
11 one percent of alcohol by volume is liquor, beer, wine, spirits, gin, whisky,  
12 champagne, cordials, ethyl alcohol, rum or any form thereof and sell same  
13 to the person to whom the claim, representation or implication was made.  
14 Any beverage sold in an erotic dance establishment which does not have a  
15 liquor license shall be delivered to the patron in the container with the  
16 alcoholic content, if any, clearly imprinted on the label in letters not less  
17 than three-sixteenths inch high.

18 **6.35.060 Erotic dance establishment license -- Application.**

19 (A) Application for an erotic dance establishment license shall be made to the  
20 Director.

21 (B) An application for an erotic dance establishment license shall be verified by  
22 the applicant and shall contain or set forth the following information:

- 23 (1) The name, address, telephone number, principal occupation, and age  
24 of the applicant;
- 25 (2) The name, address and principal occupation of the managing agent  
26 or agents of the business;

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(3) The business name, business address, and business telephone number of the establishment or proposed establishment, together with a description of the nature of the business and magnitude thereof;

(4) Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer, director and shareholder (having more than ten percent of the outstanding shares) and the number of shares held by each;

(5) The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real or personal property utilized or to be utilized by the business or proposed business;

(6) A description of all other business enterprises (sales or services) which shall occur on the premises.

(7) Whether the applicant, anyone having a ten percent interest in the business or proposed business, or anyone having an interest in the real property or personal property utilized or to be utilized by the business or proposed business or anyone having a right to ten

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percent of the proceeds of the business other than utilities has:

- (a) Ever been convicted of or forfeited bail for any crime, excluding minor traffic offenses and, if so, the application shall state the person involved, the charge, date, court, and disposition of the charges.
- (b) Ever had a business license denied, revoked or charges filed therefor, and if so, the application shall state the person involved, the name of the business, date, jurisdiction, and outcome of any hearing.
- (c) Ever owned, operated an escort service, an outcall promoter establishment, a brothel or adult nightclub theater, and if so, the name of the business, dates involved and position or interest therein.

(C) The applicants shall present themselves to the Metropolitan Police for investigation and fingerprinting and shall pay such investigation and fingerprint fee as is required by LVMC 6.86, and shall reveal to the Metropolitan Police such information as is required to properly identify the applicant to enable the investigation of the applicant's arrests and convictions, licensing and litigation record and verify the accuracy and completeness of the application.

- (1) In all cases where the applicant for a license is a corporation, it shall be necessary for all of the principal officers of such corporation to present themselves for investigation and fingerprinting. All stockholders above ten percent or who exercise management of the corporation are required to present themselves for investigation and fingerprinting.

1 (D) Applications shall be accompanied by a nonrefundable fee of twenty-five  
2 dollars.

3 (E) An erotic dance establishment license shall be a semi-annual license.

4 **6.35.070 License issuance or denial.**

5 (A) The Director of the Department of Finance and Business Services shall  
6 issue or deny the license to the applicant within thirty days from receipt of  
7 a complete application and fees upon compliance with all the requirements  
8 of this section and any applicable provisions of Title 6 of this code.

9 (1) That upon the expiration of the thirty days the applicant may  
10 demand a license and begin operating the erotic dance establishment  
11 for which a license is sought, unless and until the Director notifies  
12 the applicant of a denial of the license application and states the  
13 reason for the denial. (This provision shall not create a reliance or  
14 estoppel situation as to this license or any other provisions of this  
15 code.)

16 (B) The Director shall consider the application by examination of:

- 17 (1) The information provided within the submitted application;  
18 (2) The circumstances of the applicant's criminal reputation, association  
19 and business history;  
20 (3) The proposed business operation of the applicant;  
21 (4) The reports of zoning, building, fire and health department as  
22 applicable.

23 (C) The Director shall not grant the license if:

- 24 (1) The applicant, whether an individual or any of the stockholders,  
25 officers or directors, if a corporation or any of the partners, if a  
26 partnership, including limited partners, or the manager or other

1 person principally in charge of the operation of the business, or any  
2 person receiving, or having a right to receive any sum from, or  
3 percentage of the profits due to an interest in or sale of the business,  
4 has been convicted within a five-year period immediately prior to  
5 the date of the application of any crimes of embezzlement; or any  
6 crime involving fraud, consumer fraud or intent to defraud,  
7 prostitution, solicitation of prostitution; or has violated the law  
8 regarding fraudulent advertising;

9 (2) The operation as proposed by the applicant would not comply with  
10 all applicable laws, including, but not limited to, this title and the  
11 City's building, zoning, fire and health regulations;

12 (3) The applicant or any ten percent corporation share holder or a  
13 corporate officer has had a revocation of a business license for  
14 violations of code regulations pursuant to LVMC 6.06A (Adult  
15 Bookstore), 6.06B (Adult Nightclub Establishment), 6.35 (Erotic  
16 Dance), 6.36 (Escort Bureau and Personnel), 6.57 (Outcall  
17 Entertainment), and 19.74 (Sexually Oriented Businesses), within  
18 the preceding two years.

19 (D) If the applicant is denied, the Director shall notify the applicant with the  
20 reason(s) stated for denial. Notification shall be sent certified, United  
21 States Mail, return receipt requested, to the address provided on the license  
22 application which shall be considered the correct address. Each applicant  
23 has the burden to furnish any change of address to the director of business  
24 license, by United States certified mail, return receipt requested.

25 (E) In the event that an application is denied, the applicant may file or cause to  
26 be filed in the district court a petition for judicial examination of the

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validity of the denial of the erotic dance establishment license as provided by Chapter 34 of NRS.

**6.35.080 Work card.** No person shall work at an erotic dance establishment without a valid work card.

**6.35.090 Work card application and issuance.**

(A) Each licensee and other person, whether a full or part time employee, who works or renders services in a licensed erotic dance establishment business or facility shall obtain prior to the issuance of the license or the commencement of work and keep in force during the term of his license or employment, a work identification card for erotic dance establishment issued under LVMC 6.86 and 6.35. The investigation for issuance of a work identification card will include a fingerprint check by the Federal Bureau of Investigation. Work cards applied for pursuant to this Chapter shall be granted or denied within ten working days of application subject to the provisions of LVMC 6.86.080.

(B) In addition to the grounds set forth at LVMC 6.86.110, the Las Vegas Metropolitan Police Department may deny the issuance or renewal of a work identification card for this Chapter for the following reasons:

- (1) The applicant has made false, misleading or fraudulent statements with respect to any material fact contained in the application for a work identification card;
- (2) The applicant has committed any crimes involving fraud, consumer fraud or intent to defraud, prostitution, solicitation of prostitution, or has violated the law regarding fraudulent advertising within two years of application for this specific work card;
- (3) The applicant has violated code regulations, as set out within LVMC

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6.35.110, or has had a business license revoked pursuant to this Title, or the issuance or renewal thereof has been denied by the City of Las Vegas or any other government entity within one year of the date of the application for any reason set out in this subsection.

- (C) Suspension -- Revocation. Any work identification card issued for this Chapter may only be suspended or revoked for grounds set forth in Subsection (B) above pursuant to the procedures set forth in LVMC 6.86.

**6.35.110                      Erotic dance establishment regulations.**

- (A) No person, firm, partnership, corporation or other entity shall advertise, or cause to be advertised, as an erotic dance establishment without a valid erotic dance establishment license issued pursuant to this Chapter.
- (B) No later than the fifteenth day of the month succeeding the semi-annual license period, an erotic dance establishment licensee shall file a verified report with the Department showing the licensee's gross receipts and amounts paid to dancers for the preceding semi-annual period.
- (C) An erotic dance establishment licensee shall maintain and retain for a period of three years the names, addresses and ages of all persons employed as dancers by the licensee.
- (D) No erotic dance establishment licensee shall employ as a dancer a person under the age of eighteen years or a person as a dancer who is not licensed pursuant to this Chapter and LVMC 6.86.
- (E) No person under the age of eighteen years shall be admitted to an erotic dance establishment.
- (F) No erotic dance establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol.

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

(H) All dancing shall occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.

(I) No dancing shall occur closer than five feet to any patron.

(J) Dancing shall take place within an area which is visible immediately upon entrance to the establishment premises, or is visible immediately from the entry room area of the establishment's premises. Patrons will not be allowed to enter private or back rooms with dancers. There shall be only one stage per licensed establishment.

(K) No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.

(L) No patron shall directly pay or give any gratuity to any dancer.

(M) No dancer shall solicit any pay or gratuity from any patron.

(N) Any erotic dance establishment which does not have a liquor license issued by the Department and which uses the words that imply the availability of alcoholic liquor on the premises, such as "bar," "lounge" or "saloon," in any advertisement or place name must state in all such advertisements that alcoholic beverages are not sold on the premises.

(O) All erotic dance establishments licensed pursuant to this Chapter shall post on each entrance door and not more than five inches above each entrance door, and in at least three places behind the bar a sign with letters not less than three inches high stating:

"ALCOHOLIC LIQUOR IS NOT SOLD HERE"

"PROSTITUTION IS UNLAWFUL"

The letters must be black on a yellow background and the sign on each

1 entrance door and behind the bar must be between four and six feet above  
2 floor level. Each sign must be located and illuminated sufficient to be  
3 visible by a person with normal eyesight or eyesight corrected to 2-/20,  
4 thirty feet from the sign.

- 5 (P) No erotic dance establishment shall employ a security guard, or allow a  
6 security guard to work on the premises, unless such security guard has  
7 obtained a work identification card pursuant to LVMC 6.86.

8 **6.35.120 Inspections.** All books and records required to be kept  
9 pursuant to this Chapter shall be open to inspection by the Las Vegas Metropolitan Police  
10 Department during the hours when the erotic dance establishment is open for business. The  
11 purpose of such inspection shall be to determine whether the books and records meet the  
12 requirements of this Title.

13 **6.35.130 License fee and reports.**

- 14 (A) The license fee for an erotic dance establishment shall be two-hundred  
15 dollars (\$200.00) to be paid on or before the fifteenth day succeeding the  
16 end of the semi-annual license period.

- 17 (B) Every person licensed pursuant to this Chapter shall file with the  
18 Department on or before the fifteenth day succeeding the end of a semi-  
19 annual period a report signed by the licensee under oath that the report is  
20 true to his/her own knowledge. The report shall provide any changes in in  
21 information submitted pursuant to LVMC 6.35.060.

- 22 (1) Each report must be accompanied by the amount of license fee  
23 which is due for the next semi-annual period.

- 24 (2) Any licensee who fails to fully pay the license fee imposed by this  
25 Chapter with the complete report as required herein, is subject to a  
26 penalty of five percent of the amount due. All licenses for which

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the fees have not been paid and/or complete reports received within thirty days after the due date automatically expire. Any such expired license shall not be reinstated until the penalty and a ten-percent reinstatement fee of the total amount due shall be paid and complete reports received.

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

\_\_\_\_\_  
Signed, position

SUBSCRIBED and SWORN to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for said  
County and State

**6.35.140 Security guard identification cards.** All security guards working in or employed by an erotic dance establishment must obtain a work identification card. Security guards in exotic dance studios shall not carry firearms, night sticks, clubs, or chemical or electronic weapons.

**6.35.150 Revocation or suspension of license or permit.**

(A) The Las Vegas City Council shall not act to revoke or suspend an erotic

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dance establishment license until after:

- (1) The licensee or is given at least ten days' written notice of the specific charges;
- (2) A hearing is held before the Las Vegas City Council at which time the licensee may present such evidence and defense as may bear upon the question.

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

(C) The erotic dance establishment license, shall be revoked or suspended if the licensee or his, her or its employee, agent or manager has made any false, misleading or fraudulent statement of material fact in the application for the license at issue or in any semi-annual report required to be filed with the Department (LVMC 6.35.130) or record required to be kept for three years (LVMC 6.35.130) or knowingly caused or suffered another to furnish such false, misleading or fraudulent information or withhold such required information on his, her or its behalf, or violates any provisions of LVMC 6.35.110.

(D) In the event the erotic dance establishment license is suspended or revoked, the license suspension or revocation shall be stayed for fourteen days from the date of the written notice to the licensee for the licensee to seek judicial review. The licensee may waive the stay provision in writing, or the City

1                    may seek sooner to enforce the suspension or revocation by filing in the  
2                    district court a petition for judicial review as provided by NRS 43.100 or  
3                    by seeking alternative relief pursuant to Chapter 34 of NRS.

4                    **6.35.160                    Exemptions.** Shows which are held in the showrooms of a  
5 hotel/casino containing over 300 rooms which is subject to the casino entertainment tax defined  
6 in NRS 463.401, and dance presentations which are conducted in establishments licensed to sell  
7 liquor pursuant to LVMC 6.50, are exempt from the licensing regulations and fees of this  
8 Chapter. Establishments operating and approved for adult uses pursuant to LVMC 19.74. or that  
9 have been deemed a nonconforming use pursuant to LVMC 19.74.040 prior to the dates specified  
10 therein may continue to provide adult entertainment (dancers and strippers) and are exempt from  
11 LVMC 6.35.050(A), but must comply with all other applicable code provisions of LVMC 6.35  
12 and the Las Vegas Municipal Code.

13                    **6.35.170                    Responsibility of licensee.** The holder of an erotic dance  
14 establishment license is responsible for the acts of its employees and independent or  
15 subcontractors, including but not limited to attendants, servers, security guards, managers and  
16 dancers. An erotic dance establishment license may be revoked for acts of such agent, employee  
17 or subcontractor or independent contractor which violates any provision of this Chapter. It is the  
18 duty of the licensee to prevent fraud, prostitution and the solicitation of prostitution upon the  
19 licensed premises.

20                    **6.35.180                    Penalty.** It is unlawful for any person or business entity to  
21 engage in business as an erotic dance establishment, manager, dancer or as attendant and/or server  
22 within the City of Las Vegas without first obtaining a license or permit therefor as provided in  
23 this Chapter. Any person, firm or corporation violating this section shall be guilty of a  
24 misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate  
25 offense for each and every day during which the violation is committed, continued or permitted,  
26 and upon conviction of such violation, such person, firm or corporation shall be punished by a

1 fine of not less than two hundred fifty dollars for the first offense; not less than five hundred  
2 dollars for the second offense; not less than nine hundred fifty dollars for the third offense; and  
3 a fine of one thousand dollars plus not less than one week imprisonment for the fourth or  
4 additional offenses. In no case shall any sentence exceed more than a one thousand dollar fine  
5 and/or six months imprisonment; provided, no person shall be deemed guilty of any violation of  
6 this Chapter if acting in an investigative capacity pursuant to the request of the Metropolitan  
7 Police Department or director.

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

16 SECTION 4: All ordinances or parts of ordinances, sections, subsections,  
17 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las  
18 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

20 APPROVED:

21 By \_\_\_\_\_  
22 JAN LAVERTY JONES, MAYOR

23 ATTEST:

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25 \_\_\_\_\_  
26 KATHLEEN M. TIGHE, City Clerk

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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

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SECOND AMENDMENT  
BILL NO. 95-40  
ORDINANCE NO. 3916

AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, 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 Jon Laverly Jones

SUMMARY: Establishes a definition for erotic dance establishments, creates new licensing requirements therefor and other matters related 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" Mayor Jones and Councilmen Adamsen, McDonald, and Reese.  
VOTING "NAY" NONE  
EXCUSED Councilman Callister

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 31, 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 31, 1995 to AUGUST 31, 1995, on the following days:

AUGUST 31, 1995

Signed: Barbara Carr

Subscribed and sworn to before me this 31 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 31 11 37 AM '95

RECEIVED  
CITY CLERK

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SECOND AMENDMENT  
BILL NO. 95-40  
ORDINANCE NO. 3916

AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, 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 Jon Laverly Jones

SUMMARY: Establishes a definition for erotic dance establishments, creates new licensing requirements therefor and other matters related 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 amended 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 Adamsen, 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

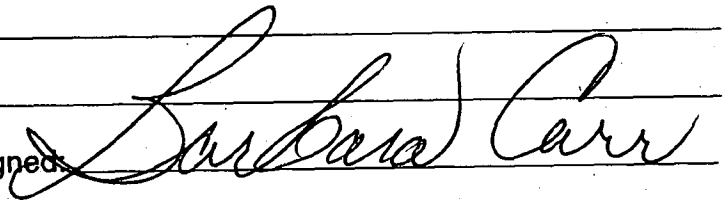
STATE OF NEVADA)  
COUNTY OF CLARK) SS:

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:

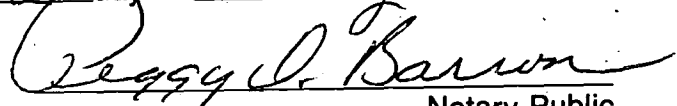
AUGUST 19, 1995

Signed



Subscribed and sworn to before me this

22 day of Aug, 1995



Notary Public



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

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CITY CLERK

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# AFFIDAVIT OF PUBLICATION

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FIRST AMENDMENT  
BILL NO. 95-40

AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, 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 definition for erotic dance establishments, creates new licensing requirements therefor and other matters related thereto.  
At a City Council meeting JUNE 21, 1995  
BILL NO. 95-40 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.  
POB: 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, 1998

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SEP 7 11 10 AM '95

# AFFIDAVIT OF PUBLICATION

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SECOND AMENDMENT  
BILL NO. 95-40  
ORDINANCE NO. 3916

AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, 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 definition for erotic dance establishments, creates new licensing requirements therefor and other matters related 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 14th 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" Mayor Jones and Councilmen Adamsen, McDonald, and Reese.  
VOTING "NAY" NONE  
EXCUSED Councilman Callister

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 31, 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 31, 1995 to AUGUST 31, 1995, on the following days:

AUGUST 31, 1995

Signed Barbara Carr

Subscribed and sworn to before me this 31 day of Aug, 1995

Peggy D. Barron  
Notary Public



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



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# AFFIDAVIT OF PUBLICATION

Aug 14 11 25 AM '95

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FIRST AMENDMENT  
BILL NO. 95-40

AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, 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 Jon Loverly Jones

SUMMARY: Establishes a definition for erotic dance establishments, creates new licensing requirements therefor and other matters related thereto.

At a City Council meeting  
JUNE 21, 1995

BILL NO. 95-40 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

FOR: 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 D. Barron

Notary Public



PEGGY D. BARRON  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 17, 1996



085622

# AFFIDAVIT OF PUBLICATION

Aug 31 11 37 AM '95

RECEIVED  
CITY CLERK

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SECOND AMENDMENT  
BILL NO. 95-40  
ORDINANCE NO. 3914

AN ORDINANCE RELATING TO PRIVILEGED 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 EROTIC DANCE ESTABLISHMENTS, 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 definition for erotic dance establishments, creates new licensing requirements therefor and other matters related 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 amended 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:

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, 1995  
Peggy D. Barron  
Notary Public



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



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