

1 **BILL NO. 98-70**

2 **ORDINANCE NO. (5108)**

3 AN ORDINANCE RELATING TO THE LICENSING OF ADULT BOOKSTORES; AMENDING
4 TITLE 6, CHAPTER 6A, SECTION 25, OF THE MUNICIPAL CODE OF THE CITY OF LAS
5 VEGAS, NEVADA, 1983 EDITION, TO PROVIDE FOR THE ISSUANCE OF A TEMPORARY
6 BOOKSTORE LICENSE IN THE EVENT AN APPLICANT IS DENIED A LICENSE, SEEKS
7 JUDICIAL REVIEW OF THAT DENIAL, AND A JUDICIAL DECISION REGARDING THAT
8 DENIAL HAS NOT BEEN RENDERED WITHIN THIRTY DAYS; PROVIDING FOR OTHER
9 MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND
10 PARTS OF ORDINANCES IN CONFLICT HEREWITH.

11 Sponsored by:
12 Councilman Michael McDonald

Summary: Provides for the issuance of a temporary bookstore license in the event an applicant is denied a license, seeks judicial review of that denial, and a judicial decision regarding that denial has not been rendered within thirty days.

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

15 SECTION 1: Title 6, Chapter 6A, Section 25, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.06A.025:** (A) The Director shall issue or deny the bookstore license to the applicant within
18 thirty days from receipt of a complete application and fees upon compliance with the requirements
19 of this Section and any applicable provisions of Title 6 of this Code.

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

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

(D) In the event that an application is denied, the applicant may file or cause to be
25 filed in the district court a petition for judicial examination of the validity of the denial of the
26 bookstore license as provided by Chapter 34 of NRS. If the district court has not decided the validity
27 of the denial within thirty days after the petition is filed, the Director shall issue a temporary bookstore
28

1 license. The temporary bookstore license shall remain in effect only until the district court has
2 rendered its opinion concerning the validity of the denial.

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

11 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
13 1983 Edition, in conflict herewith are hereby repealed.

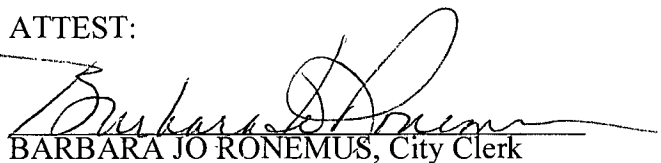
14 PASSED, ADOPTED and APPROVED this 12th day of October, 1998.

15 APPROVED:

16 
17 By
18 JAN LAVERTY JONES, Mayor

MICHAEL J. MCDONALD, MAYOR PRO-TEM

18 ATTEST:

19 
20 BARBARA JO RONEMUS, City Clerk

21 APPROVED AS TO FORM:

22 Valsted 9-23-98
23 Date

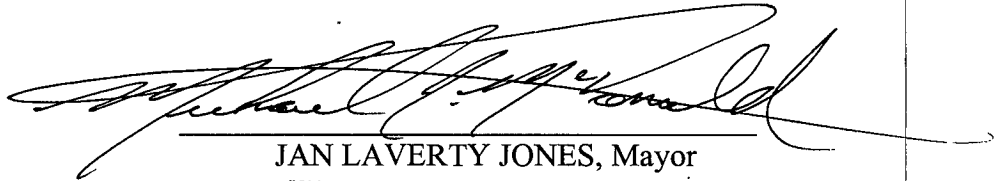
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 28th day of September, 1998 and referred to the following committee composed of
3 Councilmen Brown and McDonald for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 12th day of October, 1998 which was a regular meeting
5 of said Council; that at said regular meeting, the proposed ordinance was read by title to the
6 City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Councilmen Adamsen, McDonald, Brown, Reese and Mayor Jones

8 VOTING "NAY": NONE


9 EXCUSED: NONE

10 APPROVED:

11 

JAN LAVERTY JONES, Mayor
MICHAEL J. MCDONALD, MAYOR PRO-TEM

12 ATTEST:

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15 BARBARA JO RONEMUS, City Clerk
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RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

1998 OCT 14 A 11: 03

SS:

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

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

LV CITY CLERK
455248

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/01/98 to 10/01/1998, on the following days: OCTOBER 1, 1998

Signed:

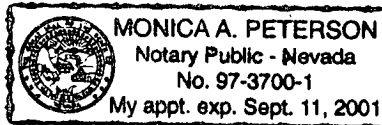
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of Oct. 1998

Monica A. Peterson

Notary Public



BILL NO 98-70

AN ORDINANCE RELATING TO THE LICENSING OF ADULT BOOKSTORES, AMENDING TITLE 6, CHAPTER 6A, SECTION 25, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE FOR THE ISSUANCE OF A TEMPORARY BOOKSTORE LICENSE IN THE EVENT AN APPLICANT IS DENIED A LICENSE, SEEKS JUDICIAL REVIEW OF THE DENIAL, AND A JUDICIAL DECISION REGARDING THAT DENIAL HAS NOT BEEN RENDERED WITHIN THIRTY DAYS, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY: Councilman
Michael McDonald

SUMMARY Provides for the issuance of a temporary bookstore license in the event an applicant is denied a license, seeks judicial review of that denial, and a judicial decision regarding that denial has not been rendered within thirty days

At a City Council meeting
SEPTEMBER 28, 1998
BILL NO 98-70 WAS READ BY TITLE
AND REFERRED TO RECOMMENDING
COMMITTEE Councilmen Brown and
McDonald

COPIES OF THE COMPLETE BILL ARE
AVAILABLE FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY CLERK, 1ST
FLOOR, CITY HALL, 400 EAST STEWART
AVENUE, LAS VEGAS, NEVADA
PUB: October 1, 1998
Las Vegas Review-Journal

RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

1998 OCT 23 A 11: 52

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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

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

LV CITY CLERK
475426

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/15/98 to 10/15/1998, on the following days: OCTOBER 15, 1998

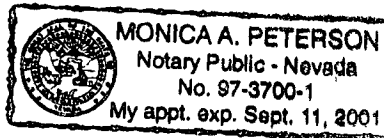
Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15

day of Oct. 1998

Monica A. Peterson

Notary Public



BILL NO. 98-70
ORDINANCE NO. 5108

AN ORDINANCE RELATING TO THE LICENSING OF ADULT BOOKSTORES; AMENDING TITLE 6, CHAPTER 6A, SECTION 25, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROVIDE FOR THE ISSUANCE OF A TEMPORARY BOOKSTORE LICENSE IN THE EVENT AN APPLICANT IS DENIED A LICENSE, SEEKS JUDICIAL REVIEW OF THAT DENIAL, AND A JUDICIAL DECISION REGARDING THAT DENIAL HAS NOT BEEN RENDERED WITHIN THIRTY DAYS, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY Councilman Michael McDonald
SUMMARY Provides for the issuance of a temporary bookstore license in the event an applicant is denied a license. seeks judicial review of that denial, and a judicial decision regarding that denial has not been rendered within thirty days
The above and foregoing ordinance was first proposed and read by title to the City Council on the 28th day of SEPTEMBER, 1998, and referred to the following committee composed of Councilmen Brown and McDonald for recommendation, thereafter the said committee reported favorably on said ordinance on the 12th day of OCTOBER, 1998, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote
VOTING "AYE" Councilmen Adamsen, McDonald, Brown, Reese and Mayor Jones
VOTING "NAY" NONE
EXCUSED NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB October 15, 1998
Las Vegas Review-Journal

RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

1998 OCT 14 A 11: 03

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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LV CITY CLERK
455248

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Signed:

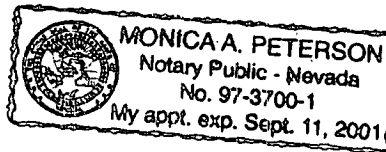
Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of *Oct.* 1998

Monica A. Peterson

Notary Public



BILL NO. 98-70
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At a City Council meeting SEPTEMBER 28, 1998
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COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: October 1, 1998
Las Vegas Review-Journal



086820

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CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

1998 OCT 23 A 11: 52

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

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LV CITY CLERK
475426

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Signed:

Barbara Linford

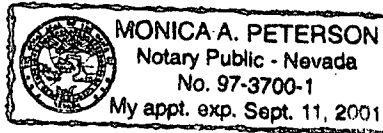
SUBSCRIBED AND SWORN BEFORE ME THIS THE

15th

day of Oct. 1998

Monica A. Peterson

Notary Public



BILL NO. 98-70
ORDINANCE NO. 5108

AN ORDINANCE RELATING TO THE LICENSING OF ADULT BOOKSTORES; AMENDING TITLE 6, CHAPTER 6A, SECTION 25, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1989 EDITION, TO PROVIDE FOR THE ISSUANCE OF A TEMPORARY BOOKSTORE LICENSE IN THE EVENT AN APPLICANT IS DENIED A LICENSE, SEEKS JUDICIAL REVIEW OF THAT DENIAL, AND A JUDICIAL DECISION REGARDING THAT DENIAL HAS NOT BEEN RENDERED WITHIN THIRTY DAYS; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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VOTING "AYE" Councilmen Adamsen, McDonald, Brown, Reese and Mayor Jones
VOTING "NAY" NONE
EXCUSED: NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: October 15, 1998
Las Vegas Review-Journal



086812