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BILL NO. 97-55

ORDINANCE NO. 5004

AN ORDINANCE RELATING TO THE ZONING OF SEXUALLY ORIENTED BUSINESSES; AMENDING ORDINANCE NO. 4082 OF THE CITY OF LAS VEGAS AND SECTION 19A.04.040(C) OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO ADD A DEFINITION OF THE TERM "SEXUAL NOVELTY" AND TO ADD A DEFINITION OF THE TERM "ADULT EMPORIUM" AS A REPLACEMENT FOR THE TERM "ADULT BOOKSTORE"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:
Councilman Michael McDonald

Summary: Amends the Zoning Code pertaining to sexually oriented businesses to define the terms "sexual novelty" and "adult emporium."

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

SECTION 1: Ordinance No. 4082 of the City of Las Vegas and Section 19A.04.040(C) of the Zoning Code of the City of Las Vegas are hereby amended as set forth in Sections 2 and 3 of this Ordinance.

SECTION 2: Paragraph 1 (Definitions) under the category "Sexually Oriented Businesses," as set forth in Section 19A.04.040(C) of the Zoning Code, is hereby amended to read as follows:

- 1. Definitions. As used in this Title:
 - a. "Specified anatomical areas" means:
 - 1) Less than completely and opaquely covered:
 - a) Human genitals,
 - b) Pubic region,
 - c) Buttocks, or
 - d) Female breast below a point immediately above the top of the areola;
 - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - b. "Specified sexual activities" means:
 - 1) The fondling or other touching of human genitals, pubic region, buttocks,

1 or female breasts;

2 2) Ultimate sex acts, normal or perverted, actual or simulated, including
3 intercourse, oral copulation or sodomy;

4 3) Masturbation; or

5 4) Excretory functions as part of or in connection with any of the activities set
6 forth in subparagraphs (1), (2) and (3) above.

7 c. "Sexual novelty" means any instrument, device, apparatus or paraphernalia that:

8 1) Depicts a specified anatomical area;

9 2) Performs, mimics, demonstrates or is designed for use in connection with
10 a specified sexual activity; or

11 3) Is used for the stimulation of human genitals, whether the stimulation is self-
12 induced or performed upon another person.

13 SECTION 3: Paragraph 2(a) under the category "Sexually Oriented Businesses," as
14 set forth in Section 19A.04.040(C) of the Zoning Code, is hereby amended to read as follows:

15 a. "Adult [bookstore] emporium" means an establishment which engages in the sale,
16 rental or trade of books, films, videotapes, [toys,] sexual novelties, discs, magazines, and other
17 periodicals and which:

18 1) Will or does derive fifty-one percent or more of its gross revenue from the
19 sale, rental or trade of sexual novelties or books, films, videotapes, [toys,] discs, magazines, and other
20 periodicals which are distinguished or characterized by their emphasis on matter depicting, describing,
21 or relating to specified sexual activities or specified anatomical areas;

22 2) [Devotes]At any particular time devotes fifty-one percent or more of its
23 inventory floor and wall space to the types of inventory described in subparagraph (1) above;

24 3) At any particular time has, as fifty-one percent or more of its total inventory
25 or any category thereof, the types of inventory described in subparagraph (1) above; or

26 4) Holds itself out, by advertising or otherwise, primarily as an outlet for the
27 types of inventory described in subparagraph (1) above.

28 SECTION 4: This Ordinance is intended to amend and clarify the provisions of the

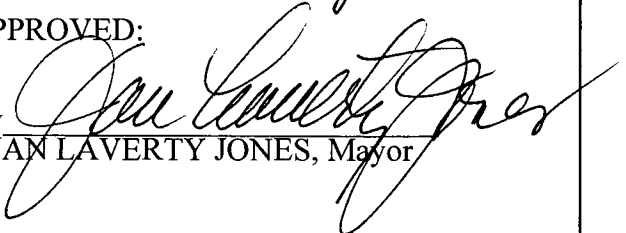
1 Zoning Code set forth in the Title 19A of the Las Vegas Municipal Code only, and is not intended to
2 alter any licensing requirements or provisions of Title 6, or the interpretation thereof.

3 SECTION 5: 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 6: 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 11th day of August, 1997.

15 APPROVED:

16 
17 By JAN LAVERTY JONES, Mayor

18 ATTEST:

19 
20 BARBARA JO RONEMUS, City Clerk

21 APPROVED AS TO FORM:

22 Val Stead 7-3-97
23 Date

24
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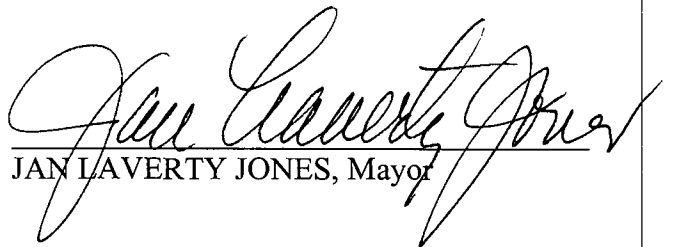
1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 14th day of July, 1997 and referred to the following committee composed of
3 Councilmen McDonald and Brown recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 11th day of August, 1997 which was a regular meeting of
5 said Council; that at said regular meeting, the proposed ordinance was read by title to the City
6 Council as first introduced and adopted by the following vote:

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


8 VOTING "NAY": NONE

9 ABSENT: Mayor Jones

10 APPROVED:

11 
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

AFFIDAVIT OF PUBLICATION

Aug 19 9 17 AM '97

RECORDED
CITY CLERK

PASTE CLIPPING HERE

BILL NO 97-55

AN ORDINANCE RELATING TO THE ZONING OF SEXUALLY ORIENTED BUSINESSES; AMENDING ORDINANCE NO 4082 OF THE CITY OF LAS VEGAS AND SECTION 19A 04 040(C) OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO ADD A DEFINITION OF THE TERM "SEXUAL NOVELTY" AND TO ADD A DEFINITION OF THE TERM "ADULT EMPORIUM" AS A REPLACEMENT FOR THE TERM "ADULT BOOKSTORE"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY:
Councilman Michael McDonald

SUMMARY: Amends the Zoning Code pertaining to sexually oriented businesses to define the terms "sexual novelty" and "adult emporium."

At a City Council meeting
JULY 14, 1997

BILL NO 97-55 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE.

Councilmen McDonald and Brown 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. July 31, 1997
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI _____, 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 JULY 31, 1997 to JULY 31, 1997, on the following days:

JULY 31, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 31 day of July, 1997

Peggy D. Barron
Notary Public



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

RECORDED
CITY CLERK
AUG 20 10 06 AM '97

AFFIDAVIT OF PUBLICATION

PASTE CLIPPING HERE

BILL NO 97-55
ORDINANCE NO 5004

AN ORDINANCE RELATING TO THE ZONING OF SEXUALLY ORIENTED BUSINESSES, AMENDING ORDINANCE NO 4982 OF THE CITY OF LAS VEGAS AND SECTION 19A 04.00(C) OF THE ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO ADD A DEFINITION OF THE TERM "SEXUAL NOVELTY" AND TO ADD A DEFINITION OF THE TERM "ADULT EMPORIUM" AS A REPLACEMENT FOR THE TERM "ADULT BOOKSTORE" PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY: Councilman
Nichol McDonald

SUMMARY: Amends the Zoning Code pertaining to sexually oriented businesses to define the terms "sexual novelty" and "adult emporium". The above and foregoing ordinance was first introduced and read by title to the City Council on the 14th day of July, 1997, and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 11th day of August, 1997 which was a regular meeting of said City Council, and that of 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 Adamson, McDonald, Reese and Brown VOTING "NAY" NONE ABSENT Mayor Jones

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: August 14, 1997
Las Vegas Review Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, 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 14, 1997 to AUGUST 14, 1997, on the following days:

AUGUST 14, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 14th day of August, 1997

Diana Vitti
Notary Public



DIANA VITTI
Notary Public - Nevada
My appt. exp. Sep. 11, 2000
No. 96-4393-1

AFFIDAVIT OF PUBLICATION

RECORDED
 CITY CLERK
 1997 AUG 20 10:06 AM '97

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BILL NO. 97-55
 ORDINANCE NO. 500:

AN ORDINANCE RELATING TO THE ZONING OF SEXUALLY ORIENTED BUSINESSES; AMENDING ORDINANCE NO. 4082 OF THE CITY OF LAS VEGAS AND SECTION 192.0100(C) OF THE ZONING CODE OF THE CITY OF LAS VEGAS AS ADOPTED BY AND INCORPORATED IN TITLE 194 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA; REVISION: TO ADD A DEFINITION OF THE TERM "SEXUAL NOVELTY" AND TO ADD A DEFINITION OF THE TERM "ADULT EMPORIUM" AS A REPLACEMENT FOR THE TERM "ADULT BOOKSTORE"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

SPONSORED BY: Councilman Michael MacDonald

SUMMARY: Amends the Zoning Code pertaining to sexually oriented businesses to define the terms "sexual novelty" and "adult emporium." The above and foregoing ordinance was first proposed and read by title to the City Council on the 14th day of July, 1997, and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 11th day of August, 1997 which was a regular meeting of said City Council; and that of 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 Adamson, McDonald, Reese and Brown; VOTING "NAY" NONE ABSENT Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 151 FLOOR, 200 EAST STEWART AVE. LAS VEGAS, NEVADA. PUB. August 14, 1997 Las Vegas Review-Journal

STATE OF NEVADA)
 COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, 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 14, 1997 to AUGUST 14, 1997, on the following days:

AUGUST 14, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 14th day of August, 1997

Diana Vitti
 Notary Public



DIANA VITTI
 Notary Public - Nevada
 My appt. exp. Sep. 11, 2000
 No. 96-4393-1



AFFIDAVIT OF PUBLICATION

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13 AUG 11 9 19 17 AM '97

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STATE OF NEVADA)
COUNTY OF CLARK) SS:

MAUREEN MELCHIORI, 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
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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 JULY 31, 1997
to JULY 31, 1997, on the following
days:

JULY 31, 1997

BILL NO. 97-55
AN ORDINANCE RELATING TO
THE ZONING OF SEXUALLY ORIENTED
BUSINESSES; AMENDING
ORDINANCE NO. 4082 OF THE
CITY OF LAS VEGAS AND SEC-
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CITY OF LAS VEGAS, NEVADA,
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FOR THE TERM "ADULT
BOOKSTORE"; PROVIDING FOR
OTHER MATTERS PROPERLY
RELATING THERETO; AND RE-
VEALING ALL ORDINANCES OR
PARTS OF ORDINANCES IN CON-
FLICT HEREWITH.
SPONSORED BY:
Councilman Michael McDonald.
SUMMARY: Amends the Zoning
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businesses to define the terms "sexu-
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At a City Council meeting
JULY 14, 1997
BILL NO. 97-55 WAS READ BY
TITLE AND REFERRED TO REC-
COMMENDING COMMITTEE:
Councilmen McDonald and Brown
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: July 31, 1997
Las Vegas Review-Journal

Signed: Maureen Melchiori

Subscribed and sworn to before me this
31 day of July, 1997

Peggy D. Barron
Notary Public



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



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