

FIRST AMENDMENT

BILL NO. 97-31

ORDINANCE NO. 4082

AN ORDINANCE RELATING TO ZONING; AMENDING 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 REVISE THE DEFINITIONS OF THE TERMS "SPECIFIED ANATOMICAL AREAS" AND "ADULT BOOKSTORE," AND TO ADD A DEFINITION OF THE TERM "SPECIFIED SEXUAL ACTIVITIES" AS A REPLACEMENT FOR THE TERM "SEXUAL CONDUCT"; 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 to revise certain definitions pertaining to sexually oriented businesses.

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

SECTION 1: Section 19A.04.040(C) of the Zoning Code of the City of Las Vegas is 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 deleted in its entirety and a new Paragraph 1 (Definitions) is hereby adopted in its place, reading 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 SECTION 3: Paragraph 2(a) under the category “Sexually Oriented Businesses,” as
8 set forth in Section 19A.04.040(C) of the Zoning Code, is hereby amended by amending the definition
9 of the term “adult bookstore,” to read as follows:

10 a. “Adult bookstore” means an establishment which [will] engages in the sale, rental
11 or trade of books, films, videotapes, toys, discs, magazines, and other periodicals and
12 which:

13 1) Will or does derive fifty-one percent or more of its gross revenue
14 from [sales] the sale, rental or trade of books, films, videotapes, toys, discs,
15 magazines, and other periodicals which are distinguished or characterized by
16 their emphasis on matter depicting, describing, or relating to specified sexual
17 [conduct] activities or specified anatomical areas[.];

18 2) Devotes fifty-one percent or more of its inventory floor and wall
19 space to the types of inventory described in subparagraph (1) above;

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

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

25 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
26 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
27 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
28 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the

1 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
2 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
3 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
4 invalid or ineffective.

5 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
7 1983 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this 12th day of MAY, 1997.

9 APPROVED:

10 
11 By IAN LAVERTY JONES, Mayor

12 ATTEST:

13 
14 BARBARA JO RONEMUS, City Clerk

15 APPROVED AS TO FORM:

16 Val Steed 5-16-97
17 Date

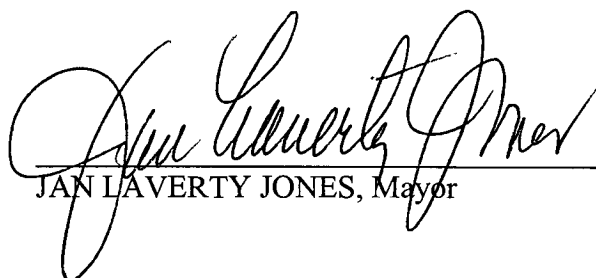
1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 14th day of April, 1997 and referred to the following committee composed of
3 the FULL COUNCIL for recommendation; thereafter the said committee reported favorably on
4 said ordinance on the 12th day of May, 1997 which was a regular meeting of said Council;
5 that at said regular meeting, the proposed ordinance was read by title to the City Council as
6 amended and adopted by the following vote:

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


8 VOTING "NAY": NONE

9 EXCUSED: Mayor Jones

10 APPROVED:

11 
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

3 AN ORDINANCE RELATING TO ZONING; AMENDING SECTION 19A.04.040(C) OF THE
4 ZONING CODE OF THE CITY OF LAS VEGAS, AS ADOPTED BY AND INCORPORATED IN
5 TITLE 19A OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983
6 EDITION, TO REVISE THE DEFINITIONS OF THE TERMS "SPECIFIED ANATOMICAL
7 AREAS" AND "ADULT BOOKSTORE," AND TO ADD A DEFINITION OF THE TERM
"SPECIFIED SEXUAL ACTIVITIES" AS A REPLACEMENT FOR THE TERM "SEXUAL
CONDUCT"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

8 Sponsored by:
Councilman Michael McDonald

Summary: Amends the Zoning Code to revise
certain definitions pertaining to sexually oriented
businesses.

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

12 SECTION 1: Section 19A.04.040(C) of the Zoning Code of the City of Las Vegas
13 is hereby amended as set forth in Sections 2 and 3 of this Ordinance.

14 SECTION 2: Paragraph 1 (Definitions) under the category "Sexually Oriented
15 Businesses," as set forth in Section 19A.04.040(C) of the Zoning Code, is hereby deleted in its entirety
16 and a new Paragraph 1 (Definitions) is hereby adopted in its place, reading as follows:

17 **1. Definitions.** As used in this Title:

18 a. "Specified anatomical areas" means:

19 1) Less than completely and opaquely covered:

20 a) Human genitals,

21 b) Pubic region,

22 c) Buttocks, or

23 d) Female breast below a point immediately above the top of the areola;

24 2) Human male genitals in a discernibly turgid state, even if completely and
25 opaquely covered.

26 b. "Specified sexual activities" means:

27 1) The fondling or other touching of human genitals, pubic region, buttocks,
28 or female breasts;

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

3 3) Masturbation; or

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

6 SECTION 3: Paragraph 2(a) under the category “Sexually Oriented Businesses,” as
7 set forth in Section 19A.04.040(C) of the Zoning Code, is hereby amended by amending the definition
8 of the term “adult bookstore,” to read as follows:

9 a. “Adult bookstore” means an establishment which [will] engages in the sale, rental
10 or trade of books, films, videotapes, discs, magazines, and other periodicals and which:

11 1) Will or does derive fifty-one percent or more of its gross revenue
12 from [sales] the sale, rental or trade of books, films, videotapes, discs,
13 magazines, and other periodicals which are distinguished or characterized by
14 their emphasis on matter depicting, describing, or relating to specified sexual
15 [conduct] activities or specified anatomical areas[.];

16 2) Devotes fifty-one percent or more of its inventory floor and wall
17 space to the types of inventory described in subparagraph (1) above;

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

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

23 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
25 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

3 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 1997.

7 APPROVED:

8
9 By _____
JAN LAVERTY JONES, Mayor

10 ATTEST:

11 _____
12 BARBARA JO RONEMUS, City Clerk

13 APPROVED AS TO FORM:

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15 _____
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1997, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 1997, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
14 JAN LAVERTY JONES, Mayor

14 ATTEST:
15
16 _____
17 BARBARA JO RONEMUS, City Clerk

AFFIDAVIT OF PUBLICATION

APR 31 9 22 AM '97

RECEIVED
CITY CLERK

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(FIRST AMENDMENT)
BILL NO 97-31

AN ORDINANCE RELATING TO ZONING; AMENDING 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 REVISE THE DEFINITIONS OF THE TERMS "SPECIFIED ANATOMICAL AREAS" AND "ADULT BOOKSTORE," AND TO ADD A DEFINITION OF THE TERM "SPECIFIED SEXUAL ACTIVITIES" AS A REPLACEMENT FOR THE TERM "SEXUAL CONDUCT"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERE TO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

SPONSORED BY: Councilman Michael McDonald
SUMMARY: Amends the Zoning Code to revise certain definitions pertaining to sexually oriented businesses.

At a City Council meeting APRIL 14, 1997
BILL NO 97-31 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE.
Full Council
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: April 24, 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 APRIL 24, 1997 to APRIL 24, 1997, on the following days:

APRIL 24, 1997

Signed: Maureen Melchiori

Subscribed and sworn to before me this 24 day of April, 1997

Peggy D. Barron
Notary Public



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

AFFIDAVIT OF PUBLICATION

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FIRST AMENDMENT
BILL NO 97-31
ORDINANCE NO. 4082

AN ORDINANCE RELATING TO ZONING; AMENDING 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 REVISE THE DEFINITIONS OF THE TERMS "SPECIFIED ANATOMICAL AREAS" AND "ADULT BOOKSTORE," AND TO ADD A DEFINITION OF THE TERM "SPECIFIED SEXUAL ACTIVITIES" AS A REPLACEMENT FOR THE TERM "SEXUAL CONDUCT"; 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 to revise certain definitions pertaining to sexually oriented businesses.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 14th day of April 1997, and referred to the following committee composed of the Full Council for recommendation; thereafter the said committee reported favorably on said ordinance on the 12th day of May, 1997 which was a recessed meeting of said City Council, and that at said recessed meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote: VOTING "AYE" Councilmen Adamsen, Callister, McDonald and Reese 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: May 15, 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 MAY 15, 1997 to MAY 15, 1997, on the following days:

MAY 15, 1997

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CITY CLERK
MAY 21 2 10 PM '97

Signed: Maureen Melchiori

Subscribed and sworn to before me this 15 day of May, 1997

Peggy D. Barron

Notary Public



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

AFFIDAVIT OF PUBLICATION

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Las Vegas Review-Journal

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MAY 15, 1997

Signed: Maureen Melchiori

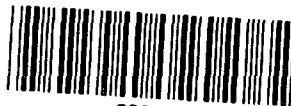
Subscribed and sworn to before me this 15 day of May, 1997

Peggy D. Barron
Notary Public

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CITY CLERK
MAY 21 2:18 PM '97



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



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AFFIDAVIT OF PUBLICATION

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CITY CLERK
APR 31 9 22 AM '97

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Full Council
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PUB: April 24, 1997
Los Vegas Review-Journal

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COUNTY OF CLARK) SS:

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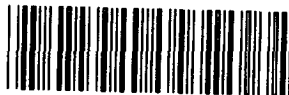
Subscribed and sworn to before me this 24 day of April, 1997

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
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