

ORDINANCE NO. 1162

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, BY REPEALING SECTION 25 THEREOF, AND PROVIDING A NEW CHAPTER DESIGNATED CHAPTER 11, ESTABLISHING THE ILLEGALITY OF OBSCENE MATTER; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES, PARTS OF ORDINANCES, SECTIONS, SUBSECTIONS, PARAGRAPHS, SENTENCES, CLAUSES OR PHRASES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 25, Chapter 1, Title VI of the Municipal Code of the City of Las Vegas, Nevada, 1960, is hereby repealed.

SECTION 2. Title VI of said Code is hereby amended to add a new chapter hereby designated as Chapter 11, to read as follows:

6-11-1. DEFINITIONS: As used in this chapter:

- (A) "Obscene" means that to the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and is matter which is utterly without redeeming social importance.
- (B) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines or materials.
- (C) "Person" means any individual, partnership, firm, association, corporation or other legal entity.
- (D) "Distribute" means to transfer possession of, whether with or without consideration.
- (E) "Knowingly" means having knowledge that the matter is obscene.

6-11-2 SENDING OR BRINGING INTO CITY FOR SALE OR DISTRIBUTION;
PRINTING, EXHIBITING, DISTRIBUTING OR POSSESSING WITHIN
CITY.

Every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this City for sale or distribution, or in this City prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is guilty of a misdemeanor.

6-11-3 ADVERTISING OR PROMOTING SALE OR DISTRIBUTION; SOLICITATION.

Every person who writes or creates advertising or solicits anyone to publish such advertising or otherwise promote the sale or distribution of matter represented or held out by him to be obscene, is guilty of a misdemeanor.

6-11-4 REQUIRING RECEIPT OF OBSCENE MATTER AS CONDITION TO SALE OR DELIVERY OF PAPERS, MAGAZINES, BOOKS, ETC.; DENYING OR THREATENING TO DENY FRANCHISE.

Every person who, knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, requires that the purchaser or consignee receive any obscene matter or who denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financial or otherwise, by reason of the failure of any person to accept obscene matter, or by reason of the return of such obscene matter, is guilty of a misdemeanor.

6-11-5 DESTRUCTION OF OBSCENE MATERIAL UPON CONVICTION.

Upon the conviction of the accused, the court may, when the conviction becomes final, order any matter or advertisement, in respect whereof the accused stands convicted, and which remains in the possession or under the control of the City Attorney, or any law enforcement agency, to be destroyed, and the court may cause to be destroyed any such material in its possession or under its control.

6-11-6 PLACING, OR CAUSING TO BE PLACED, OBSCENE MATTER ON ANY SURFACE EXPOSED TO PUBLIC VIEW.

Every person who shall place, mark, post, draw or cause to be placed, posted, marked or drawn upon any fence, billboard,

building, door, wall, pavement, or other surface exposed to public view, any obscene, indecent, offensive or profane word, writing, picture representation or drawing, is guilty of a misdemeanor.

6-11-7 There is hereby created a Committee of Citizens for Decent Literature, consisting of not more than nine (9) persons, which shall assist in the control of obscene material and which shall work in cooperation with sellers of literature and magazines for the betterment of the community.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City Jail for not more than six months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 4. All ordinances, or parts of ordinances, sections, subsections, phrases, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 2nd day of December, 1964.

ATTEST:

Edwina M. Cole
City Clerk

APPROVED:

Oran K. Hagson
Mayor

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 21st day of October, 1964, and referred to the following committee composed of Commissioners Levy and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of December, 1964, which was a regular meeting of said board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners, as amended, and adopted by the following vote:

VOTING "AYE": Commissioners Levy, Whipple, Fountain and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Mirabelli

APPROVED:

Oran K. Hagson
Mayor

ATTEST:

Edwina M. Cole
City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,)
COUNTY OF CLARK,) SS

Louie Muratore, being first duly sworn
deposes and says that he is foreman for the
Las Vegas Review Journal, a daily newspaper
of general circulation, printed and published
at Las Vegas, in the County of Clark, State of
Nevada, and that the attached was continuously
published in said newspaper for a period of
Two (2) insertions from December 5, 1964
to December 12, 1964 inclusive, being the issue
of said newspaper for the following dates to wit;
December 5, 12, 1964

That said newspaper was regularly issued and
circulated on each of the dates above named.

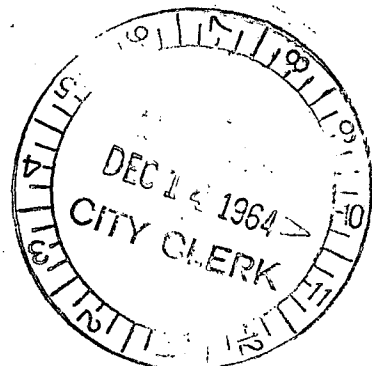
SIGNED

Louie Muratore
LOUIE MURATORE

Subscribed and sworn to
before me

this 12th day of December, 1964

Jerald M. Walker
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA
My Commission expires
September 28, 1965



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PASSED, ADOPTED AND APPROVED this 2nd day of December, 1964.

ATTEST:

/s/ EDWINA M. COLE
City Clerk

APPROVED:

/s/ ORAN K. GRAGSON
Mayor

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VOTING "AYE": Commissioners Levy, Fountain, Whipple and Mayor Gragson.
VOTING "NAY": None ABSENT: Commissioner Mirabelli.

APPROVED:

/s/ ORAN K. GRAGSON
Mayor

ATTEST:

/s/ EDWINA M. COLE
City Clerk
Dec. 5, 12