

FIRST AMENDMENT

BILL NO. 81-49

ORDINANCE NO. 2181

AN ORDINANCE RELATING TO SEXUALLY ORIENTED BUSINESSES; AMENDING TITLE V, CHAPTER 5, SECTION 1, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AS LAST AMENDED BY ORDINANCE NO. 2133 OF SAID CITY, TO PROVIDE FOR THE INCLUSION OF ADULT PAPER RACKS WITHIN THE DEFINITION OF SEXUALLY-ORIENTED BUSINESSES CONTAINED IN SUBSECTION (B) OF SAID SECTION AND SUBJECT TO THE REGULATIONS WITH RESPECT TO SUCH BUSINESSES PROVIDED FOR IN SAID TITLE AND CHAPTER; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:	Summary: Includes adult paper racks within the ordinance regulating the location of sexually oriented businesses.
Commissioner Ron Lurie	

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

SECTION 1: Title V, Chapter 5, Section 1, Subsection (B) of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, as last amended by Ordinance No. 2133 of said City, is hereby amended to read as follows:

5-5-1: (A) As used in this Chapter, the terms "sexual conduct" and "specified anatomical areas" shall mean as follows:

(1) "Sexual conduct" includes the following:

- (a) The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
- (b) Ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy;
- (c) Masturbation; and
- (d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

1 (2) "Specified anatomical areas" includes the
2 following:

3 (a) Human genitals, pubic region, buttocks
4 and female breasts below a point immed-
5 iately above the top of the areola.

6 (b) Human male genitals in a discernibly
7 turgid state, even if completely and
8 opaquely covered.

9 (B) For purposes of this Ordinance, the "sexually-
10 oriented businesses" are defined as follows:

11 (1) Adult Bookstore: An establishment having as
12 a significant portion of its stock in trade
13 books, film, magazines and other periodicals
14 which are distinguished or characterized by an
15 emphasis on depicting or describing "sexual
16 conduct" or "specified anatomical areas".

17 (2) Adult Mini Motion Picture Theater: An enclosed
18 building with a capacity of less than fifty
19 (50) persons used for presenting material
20 distinguished or characterized by an emphasis
21 on depicting or describing "sexual conduct"
22 or "specified anatomical areas".

23 (3) Adult Motel: A motel wherein material is
24 presented, as part of the motel services, via
25 closed circuit t.v. or otherwise, which is
26 distinguished or characterized by an emphasis
27 on depicting or describing "sexual conduct"
28 or "specified anatomical areas".

29 (4) Adult Motion Picture Arcade: Any place to
30 which the public is permitted or invited
31 wherein coin or slug-operated or electronically,
32 electrically or mechanically controlled,

1 still or motion picture machines, projectors,
2 or other image-producing devices are maintained
3 to show images to five (5) or fewer persons
4 per machine at any one time, and where the
5 images so displayed are distinguished or
6 characterized by an emphasis on depicting or
7 describing "sexual conduct" or "specified
8 anatomical areas".

9 (5) Adult Motion Picture Theater: An enclosed
10 building with a capacity of fifty (50) or
11 more persons used for presenting material
12 distinguished or characterized by an emphasis
13 on depicting or describing "sexual conduct"
14 or "specified anatomical areas".

15 (6) Adult Paper Rack: Each self operated device
16 or container, except those located in an
17 Adult Bookstore, which is primarily used for
18 the distribution of magazines, papers or
19 periodicals which are distinguished or charac-
20 terized by an emphasis on depicting or de-
21 scribing "sexual conduct" or "specified ana-
22 tomical areas" or the advertisement of other
23 sexually oriented businesses.

24 [(6)] (7) Massage Parlor: Any place where for any form
25 of consideration or gratuity, massage, alcohol
26 rub, administration of fomentations, electric
27 or magnetic treatments, or any other treat-
28 ment or manipulation of the human body occurs
29 as part of or in connection with "sexual con-
30 duct" or where any person providing such
31 treatment, manipulation or services related
32 thereto exposes "specified anatomical areas".

1 ~~[(7)]~~ (8) Model Studio: Any place where, for any form
2 of consideration or gratuity, figure models
3 who display "specific anatomical areas" are
4 provided to be observed, sketched, drawn,
5 painted, sculptured, photographed, or similarly
6 depicted by persons paying such consideration
7 or gratuity.

8 (9) Nude shows: Any establishment except those
9 subject to Title V, Chapter 18, Section 14
10 of this code which provides or permits sexual
11 conduct or the display of specified anatomical
12 areas upon its premises as entertainment or
13 an attraction for business.

14 ~~[(8)]~~ (10) Sexual Encounter Center: Any building or
15 structure which contains, or is used for
16 commercial entertainment where the patron
17 directly or indirectly is charged a fee to
18 engage in personal contact with or to allow
19 personal contact by, employees, devices or
20 equipment or by personnel provided by the
21 establishment which appeals to the prurient
22 interest of the patron, to include, but not
23 to be limited to bath houses, massage parlors,
24 and related or similar activities.

25 SECTION 2: If any section, subsection, subdivision,
26 paragraph, sentence, clause or phrase in this Chapter or any
27 part thereof, is for any reason held to be unconstitutional or
28 invalid or ineffective by any court of competent jurisdiction,
29 such decision shall not affect the validity or effectiveness of
30 the remaining portions of this Chapter or any part thereof. The
31 Board of City Commissioners of the City of Las Vegas, Nevada,
32 hereby declared that it would have passed each section, subsection,

1 subdivision, paragraph, sentence, clause or phrase thereof,
2 irrespective of the fact that any one or more sections, subsec-
3 tions, subdivisions, paragraphs, sentences, clauses or phrases be
4 declared unconstitutional, invalid or ineffective.

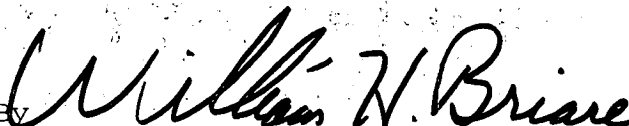
5 SECTION 3: Whenever in this ordinance any act is pro-
6 hibited or is made or declared to be unlawful or an offense or
7 a misdemeanor, or whenever in this ordinance the doing of any act
8 is required or the failure to do any act is made or declared to
9 be unlawful or an offense or a misdemeanor, the doing of any such
10 prohibited act or the failure to do any such required act shall
11 constitute a misdemeanor and upon conviction thereof, shall be
12 punished by a fine of not more than \$500.00 or by imprisonment
13 for a term of not more than six months, or by any combination of
14 such fine and imprisonment. Any day of any violation of this
15 ordinance shall constitute a separate offense.

16 SECTION 4: All ordinances or parts of ordinances, sec-
17 tions, subsections, phrases, sentences, clauses or paragraphs
18 contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1960 Edition, in conflict herewith are hereby repealed.

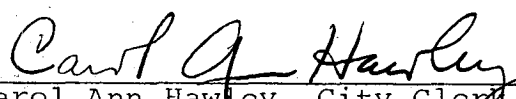
20 PASSED, ADOPTED and APPROVED this 19th day of

21 August, 1981:

22 APPROVED:

23 
24 BY WILLIAM H. BRIARE, MAYOR

25 ATTEST:

26
27 
28 Carol Ann Hawley, City Clerk

1 The above and foregoing ordinance was first proposed
2 and read by title to the Board of Commissioners on the 5th day
3 of August, 1981, and referred to the following committee com-
4 posed of Commissioners Lurie and
5 Christensen for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the 19th
7 day of August, 1981, which was a regular meeting
8 of said Board; that at said regular meeting, the proposed
9 ordinance was read by title to the Board of Commissioners as
10 amended and adopted by the following vote:

11 VOTING "AYE" Commissioners: Christensen, Levy, Lurie, Woofter & Mayor Briare

12 VOTING "ANY" Commissioners: None

13 ABSENT: None

14 APPROVED:

15
16 By William H. Briare
17 William H. Briare, Mayor

18 Attest:

19 Carol Ann Hawley
20 Carol Ann Hawley, City Clerk

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, 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 1 time

from August 12

to August 12

inclusive, being the issues of said newspaper for the following dates, to-wit:

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

Signed

Rex Taylor

Subscribed and sworn to before me this 12TH
day of AUGUST, 1981

Ruth V. Deskin

My Commission Expires



Notary Public in and for Clark County, Nevada

RUTHE V. DESKIN

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

BILL NO. 81-49

An ordinance relating to sexual-ly oriented businesses; amend-
ing Title V, Chapter 5, Section
1, of the Municipal Code of the
City of Las Vegas, Nevada,
1960 Edition, as last am-
ended by Ordinance No.
2133 of said City, to provide for
the inclusion of adult paper
racks within the definition of
sexually oriented businesses
contained in Subsection (B) of
said Section and subject to the
regulations with respect to
such businesses provided for in
said Title and Chapter; provid-
ing other matters properly relat-
ing thereto; providing penalti-
es for the violation hereof; and repealing all or-
dinances and parts of or-
dinances in conflict herewith.

Sponsored by:

Commissioner Ron Lurie

Summary: Includes adult paper
racks within the ordinance reg-
ulating the location of sexually
oriented businesses.

At a Commission Meeting on
August 5, 1981 Bill No. 81-49
was read by title and referred to
recommending Committee:

Commissioners Lurie and
Christensen.

Copies of the complete or-
dinance are available for public
information in the Office of the
City Clerk, 10th floor, City Hall,
400 East Stewart Avenue, Las
Vegas, Nevada.

Pub: August 12, 1981
Las Vegas SUN

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ORDINANCE NO. 2181
AN ORDINANCE RELATING
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OF THE CITY OF LAS VEGAS,
NEVADA, 1960 EDITION, AS
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INCLUSION OF ADULT PAPER
RACKS WITHIN THE DEFINI-
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ORIENTED BUSINESSES
CONTAINED IN SUBSECTION
(B) OF SAID SECTION AND
SUBJECT TO THE REGULA-
TIONS WITH RESPECT TO
SUCH BUSINESSES PRO-
VIDED FOR IN SAID TITLE AND
CHAPTER; PROVIDING
OTHER MATTERS PROPERLY
RELATING THERETO; PRO-
VIDING PENALTIES FOR THE
VIOLATION HEREOF; AND RE-
PEALING ALL ORDINANCES
AND PARTS OF ORDINANCES
IN CONFLICT HEREWITH.

Sponsored by:
Commissioner Ron Lurie
Summary:

Includes adult paper racks
within the ordinance regulating
the location of sexually
oriented businesses.

The above and foregoing
amended ordinance was first
proposed and read by title to
the Board of Commissioners on
the 5th day of August, 1981,
and referred to the following
committee composed of Com-
missioners Lurie and
Christensen, for recommenda-
tion; thereafter the said com-
mittee reported favorably on
said amended ordinance on the
19th day of August, 1981,
which was a regular meeting of
said Board; that at said regular
meeting the proposed or-
dinance was read by title to the
Board of Commissioners as
amended and adopted by the
following vote:

VOTING "AYE" Com-
missioners: Christensen, Levy,
Lurie, Woolter and Mayor
Briere

VOTING "NAY" Com-
missioners: None
ABSENT: None

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE
FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY
CLERK, 10TH FLOOR, CITY
HALL, 400 EAST STEWART
AVENUE, LAS VEGAS,
NEVADA.

Pub: August 22, 1981
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, 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 1 time

from August 22 to August 22

inclusive, being the issues of said newspaper for the following dates, to-wit:

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

Signed

Rex Taylor

Subscribed and sworn to before me this 22ND
day of

AUGUST, 1981

Ruth V. Deskin

Notary Public in and for Clark County, Nevada

RUTHE V. DESKIN

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires

