

ORDINANCE 1652

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 11, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CHANGING THE TITLE OF THE CHAPTER 11 TO READ "OBSCENE MATERIAL" RATHER THAN "OBSCENE LITERATURE;" BY DEFINING ANEW THE TERMS "OBSCENE," "MATERIAL," "PERSON," "PROMOTE," AND "KNOWINGLY," BY DELETING THE DEFINITIONS OF "ADULT ORIENTED BOOK STORE," AND "ADULT ORIENTED THEATRE;" PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the recent City of Las Vegas Referendum indicates the residents of the City of Las Vegas, Nevada, do not desire establishments for dissemination of obscene material within the City of Las Vegas, Nevada; and

WHEREAS, recent opinions rendered by the Supreme Court of the United States indicate that municipalities may now determine what is and what is not obscene; and

WHEREAS, the Board of Commissioners of the City of Las Vegas does seek to prevent exposure of obscene materials to juveniles and to prevent and eliminate any abuse against the public health, safety and morals of the residents of this City;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. The title of Title VI, Chapter 11, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:  
["OBSCENE LITERATURE"] "OBSCENE MATERIAL".

SECTION 2. Title VI, Chapter 11, Section 1, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

6-11-1

(A) "Obscene" means any material which:

1. The average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest in sex, and
2. The work depicts or describes patently offensive representations or descriptions of ultimate sex acts, normal or perverted, actual or simulated, or patently offensive representations or descriptions of masturbation, excretory functions or lewd exhibition of the genitals or genital area, and
3. The work taken as a whole lacks serious literary, artistic,

political, or scientific value.

[(B) "Adult Oriented Bookstore" means an establishment which merchandises or displays sexually oriented material depicting, describing or relating to any of the following specified sexual activities:

1. Sexual intercourse,
2. Oral sex,
3. Male and/or female genital organs or areas,
4. Anal sex,
5. Items 1 through 4 above, by or between male and female, two males or two females, or any combination or number thereof,
6. Items 1 through 5 above characterized in a simulated manner,
7. The use or simulated use of any artificial or novelty sex devices,
8. Any masturbation, excretory function or result thereof,
9. Any of Items 1 through 8 above, with any animal,
10. Any patently offensive representation or description of ultimate sex acts, normal or perverted or simulated,
11. Any patently offensive representation or description of masturbation, excretory functions or lewd exhibitions of genitals or genital areas.]

[(C) "Adult Oriented Movie Theatre" means a movie theatre or establishment which, during its time of operation or program, exhibits one or more motion pictures which are rated "X" by the Code Rating Administration of the Code Rating Association of America, or displays movies which are not rated, and, which are sexually oriented and depict, describe or relate to any of the following specified sexual activities:

1. Sexual intercourse,
2. Oral sex,
3. Male and/or female genital organs or areas,
4. Anal sex,
5. Items 1 through 4 above, by or between male and female, two males or two females, or any combination or number thereof,
6. Items 1 through 5 characterized in a simulated manner,
7. The use or simulated use of any artificial or novelty sex devices,
8. Any masturbation, excretory function or result thereof,

9. Any of Items 1 through 8, above, with any animal,

10. Any patently offensive representation or description of ultimate sex acts, normal or perverted or simulated,

11. Any patently offensive representation or description of masturbation, excretory functions or lewd exhibitions of genitals or genital areas.]

[(D)] (B) "Material" means any book, magazine, leaflet, pamphlet, newspaper, or other printed or written material or any picture, drawing, photograph, film, negative, 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.

[(E)] (C) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

[(F)] (D) "Promote" means to produce, direct, perform in, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, or advertise or offer to agree to do any of these things.

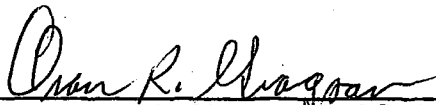
[(G)] (E) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of the character and content of any material described in this chapter.

SECTION 3. All ordinances or parts or ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, 1960 Edition, in conflict herewith are hereby repealed.

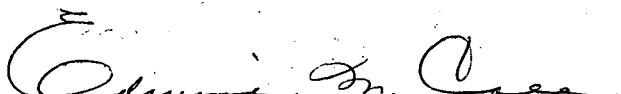
SECTION 4. If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason, held invalid, inapplicable or unconstitutional by any Court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

PASSED, ADOPTED AND APPROVED this 19th day of September, 1973.

APPROVED:

  
ORAN K. GRAGSON, MAYOR

ATTEST:

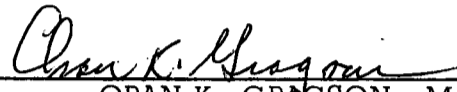
  
Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of September, 1973, and referred to the following committee composed of Commissioners Lurie and Morelli for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of September, 1973, which was a regular meeting of said Board; that at said meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:

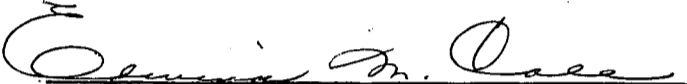
VOTING "AYE": Commissioners Christensen, Lurie, Franklin and Mayor Gragson

VOTING "NAY": None ABSENT: Commissioner Morelli (excused)

APPROVED:

  
ORAN K. GRAGSON, MAYOR

ATTEST:

  
Edwina M. Cole, City Clerk

ORDINANCE NO. 1652  
 AN ORDINANCE TO AMEND  
 TITLE VI, CHAPTER 11, OF THE  
 MUNICIPAL CODE OF THE CITY OF  
 LAS VEGAS, NEVADA, 1960  
 EDITION, BY CHANGING THE TITLE  
 OF THE CHAPTER 11 TO READ  
 "OBSCENE MATERIAL" RATHER  
 THAN "OBSCENE LITERATURE,"  
 BY DEFINING ANEW THE TERMS  
 "OBSCENE," "MATERIAL,"  
 "PERSON," "PROMOTE," AND  
 "KNOWINGLY," BY DELETING THE  
 DEFINITIONS OF "ADULT  
 ORIENTED BOOK STORE" AND  
 "ADULT ORIENTED THEATRE,"  
 PROVIDING FOR OTHER MATTERS  
 PROPERLY RELATING THERETO;  
 AND REPEALING ALL ORDINANCES  
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 at said meeting the proposed ordi-  
 nance was read by title to the  
 Board of Commissioners as first in-  
 troduced and adopted by the  
 following vote:

VOTING "AYE" Commissioners  
 Christensen, Lurie, Franklin and  
 Mayor Gragson.  
 VOTING "NAY" None. ABSENT:  
 Commissioner Morelli (excused).

COPIES OF THE COMPLETE  
 ORDINANCE No. 1652 ARE  
 AVAILABLE FOR PUBLIC  
 INFORMATION IN THE OFFICE OF  
 THE CITY CLERK, 10TH FLOOR, 400  
 E. STEWART AVENUE, LAS VEGAS,  
 NEVADA:  
 Pub. Sept. 22, 1973

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }  
 COUNTY OF CLARK } ss.

**ROBERT E. HUNTER**

, 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 DAY

from Sept. 22, 1973 to

inclusive, being the issues of said newspaper for the following dates, to-wit:  
Sept. 22, 1973

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

Signed *Robert E. Hunter*

Subscribed and sworn to before me this 24  
 day of Sept. 1973

*Walter V. Deakin*



WALTER V. DEAKIN  
 Notary Public in and for Clark County, Nevada  
 Notary Public—State of Nevada  
 COUNTY OF CLARK  
 My Commission Expires April 14, 1977

My Commission Expires

RECEIVED

SEP 28 9 48 AM '73

CITY CLERK

12195

# AFFIDAVIT OF PUBLICATION

ORDINANCE No. 1652

An ordinance to amend Title VI, Chapter 117 of the Municipal Code of the City of Las Vegas, Nevada, 1960 edition, by changing the title of the Chapter 117 to read "obscene material" rather than "obscene literature" by defining anew the terms "obscene material", "person", "promote" and "knowingly," by deleting the definitions of "adult oriented book store" and "adult oriented theatre", providing for other matters properly relating thereto, and repealing all ordinances and parts of ordinances in conflict herewith.

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of September, 1973, and referred to the following committee composed of Commissioners Lurie and Morrell for recommendation.

Copies of the complete Ordinance No. 1652 are available for public information in the Office of the City Clerk, 10th Floor, 400 East Stewart Avenue, Las Vegas, Nevada.  
Pub. Sept. 8, 1973

STATE OF NEVADA,  
COUNTY OF CLARK

{ ss.

ROBERT E. HUNTER

, being first duly sworn,

COMPOSING ROOM FOREMAN

deposes and says: That he is \_\_\_\_\_ 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 Day

from September 8, 1973 to

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

September 8, 1973

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

Signed \_\_\_\_\_

Subscribed and sworn to before me this 2 10th  
day of September, 1973

Ruth V. Deskin



Notary Public in and for Clark County, Nevada  
**RUTH V. DESKIN**

My Commission Expires \_\_\_\_\_

Notary Public—State of Nevada  
COUNTY OF CLARK

My Commission Expires April 14, 1977

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