

FIRST AMENDMENT

ORDINANCE NO. 1642

AN ORDINANCE ADDING CERTAIN SECTIONS TO TITLE V, CHAPTER 1, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING PROVISIONS AND REQUIREMENTS TO THE APPLICATIONS FOR BUSINESS LICENSES IN REGARD TO ADULT BOOK STORES AND ADULT MOVIE THEATRES, PROVIDING FOR OTHER REQUIREMENTS AND CONDITIONS OF MAINTAINING THE SAID BUSINESS LICENSES, PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF, PROVIDING FOR MATTERS PROPERLY RELATING HERETO, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, there exists in the City of Las Vegas, Nevada, a concern on the part of its citizens for a level of moral standards to be maintained for the community's general welfare; and

WHEREAS, the citizens of Las Vegas have, through the State Legislature, and the referendum vote in the General Municipal Election in 1973, determined overwhelmingly that they are not in favor of the operation of adult oriented book stores and adult oriented movie theatres, and are, therefore, opposed to their operation within the City of Las Vegas; and

WHEREAS, the Supreme Court of the United States has determined it to be valid and proper, and to be the burden and responsibility of the local communities of our nation to establish their own standards of what they feel to be obscene, and therefore, illegal; and

WHEREAS, the Board of Commissioners of the City of Las Vegas has determined that such standards must be established for the City in accordance with the expression of the citizens;

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Las Vegas as follows:

SECTION 1. Title V, Chapter 1, Section 25 et seq, are hereby created by adding the following sections:

5-1-25 ADULT ORIENTED BOOK STORES, ADULT ORIENTED MOVIE THEATRES:

MUNICIPAL LEGISLATIVE DECLARATION.

It is hereby declared a matter of municipal legislative declaration and belief that the morals of the youth of the State of Nevada and the City of Las Vegas are threatened by the presence of adult motion picture theatres and adult bookstores which are appearing throughout some of the communities of our state. These establishments and the type and character of the merchandise and paraphernalia sold in them create an aura of mystery and enticement for

Nevada's youngsters that is increased by the lascivious and suggestive advertising that is often employed to promulgate the availability of these products and services. It is the intent of the Commission to minimize the exposure of our youth to the influence of these establishments.

It is further the firm belief that the moral values of our youth and, therefore, the mores of our society are in great part influenced and determined by the family, but are affected by the presences of an exposure to these establishments; therefore, it is the firm belief of the Commission that society has a vital duty and role in the protection of our moral fiber and standards for the well being of us all as a society.

The location of these establishments is of vital concern to society in regard to their location near areas where our youth may learn, play, pass by, or would be exposed to their advertising, window displays, or the general atmosphere encompassing their operation.

5-1-26

LICENSING: PROVISIONS AND REQUIREMENTS.

1. Pursuant to Title V of the Municipal Code of the City of Las Vegas, Nevada, to operate or continue to operate an adult book store or adult movie theatre, an application must be maintained in accordance with the ordinances and regulations, as amended, of the City of Las Vegas relating to licensing and revenue.

(A) "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.

(B) "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 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.

2. In addition to the provisions of Subsection 1, above, all applications to operate adult oriented book stores, or adult oriented movie theatres, and to maintain the operation of the same, whether such business is in operation prior to the effective date of this ordinance or not, shall include:

(a) The name of every person directly or indirectly interested or associated with said business, and the name of every corporation, partnership, association, or any other entity so interested or associated with said business, including the officers and directors and stockholders of any corporation with such interest.

(b) That the applicants state that they can and have met all requirements in regard to building, electrical, plumbing, fire codes.

(c) A complete and detailed statement of the nature of the business to be operated.

(d) With reference to subparagraph (c), the applicants shall state if the merchandise, inventory and/or display items include any of the following:

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

(e) The list shall include a list of the sources of all inventory and items to be offered for sale, display or advertisement, including the name, address and location of such sources.

(f) A detailed statement as to how said merchandise shall be offered for sale, displayed, or advertised.

(g) Affidavits signed by each interested person or entity that he, she or it is an interested party and that the application shows, in fact, all such parties and that there are no other interested parties and that he, she or it shall be responsible to see that a list of inventory, items and the source shall be supplied to the License Director of the City of Las Vegas every 90 days.

(h) A place to be signed by the manager and by the president or the owner that they shall file with the Director of Licensing of the City of Las Vegas, a list of the inventory for sale and items of display and advertising that shall be purchased or used in the said establishment during the next 90 days, and that they will supply such a list each 90 days thereafter.

- [3. If, after review of all of the requirements relative to licensing procedures in the City of Las Vegas, and after review of all of the above and evaluation thereof as to conformity with the requirements, the License Director of the City of Las Vegas deems the application and applicants proper to operate a business within the City of Las Vegas, he shall so advise the City Commission, who shall then approve or deny the said license application.]
3. When an application for licensing pursuant to this ordinance of an adult oriented bookstore or an adult oriented theatre is received, the Licensing Director shall review said application to determine whether or not all requirements of the licensing procedure of the City of Las Vegas have been complied with. After such review, if all requirements have been met, the Licensing Director shall place the matter on the agenda of the next regular Commission meeting. At the next regular meeting of the City Commissioners, the City Commissioners shall conduct a full hearing as to the desirability of the type of material to be displayed or sold within the City of Las Vegas. Such full hearing shall be conducted only after written notice to all interested parties and publication of the hearing date and application under consideration. At such hearing all interested parties shall be given an opportunity to be heard and may present evidence, testimony, or exhibits in support of their position. The City Commission may subpoena certain relevant items or merchandise to be presented and examined at such hearing. After the hearing, the City Commissioners shall make written findings of fact as to the granting or denying of said business license and the reasons therefor.
- [4. If, after such review as stated in Subsection 3 above, the License Director deems the application and/or applicants improper or unfit to operate a business within the City of Las Vegas, due to the contents of the application, the applicants themselves, and/or the nature of the merchandise and inventory to be sold, displayed, or used, he shall deny the issuance of said license. If the License Director is unsure as to the fitness of the applicants and/or the nature of the merchandise and inventory to be sold, displayed or advertised, he may as an option, turn the matter over to the City Commission for determination.]

4. If after a full hearing is conducted and the City Commission finds that the material involved is not suitable for sale or promotion within the City of Las Vegas, it may deny said license application. If said license application is denied on the basis that the material involved is not the type that shall be sold or promoted within the City of Las Vegas, the City Attorney shall seek immediate judicial review of the material involved and the burden of seeking this review shall be upon the City of Las Vegas.
- [5. If the License Director rejects the application of said applicants, the applicants may request a hearing before the City Commission in regard to the application, its contents, for a determination by the City Commission as to the fitness of the applicants and/or business to operate within the City of Las Vegas.]
- [6. If either the License Director, pursuant to Subsection 5, or the applicants, request a hearing before the City Commission in regard to the operation of their said business in the City of Las Vegas, Nevada, the City Commission shall hold a hearing at which time all aspects of the application and the contents thereof shall be discussed, with evidence and testimony and exhibits capable of being presented. The City Commission shall then make a determination of approving or denying said business license.]

[7]

5. All adult oriented book stores and adult movie theatres in existence at the time this ordinance becomes effective, shall be required within 30 days to fill out and submit to the Director of Licensing said application hereafter to be used, in conformance with this ordinance. Each said business shall thereafter be required to conform to the conditions and requirements of this ordinance in regard to merchandise and inventory lists, interested parties, and other provisions of this ordinance.

[8]

6. If at any time an interested party [may be] is changed, added or removed, or altered, a new application containing the requirements of this ordinance shall be filed with the Director of Licensing.

[9]

7. If any applicant or applicants do not faithfully complete the

information on the said application, or fail to list all information so required, it shall be considered unlawful and, therefore, a misdemeanor, punishable by not more than \$500.00 fine or not more than six months in the City Jail, or both. Every day of such violation shall constitute a separate offense.

[10]

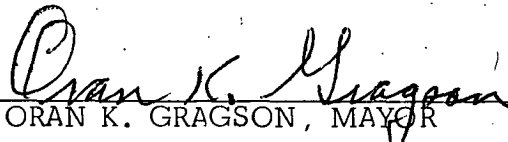
8. Failure to supply all information required in the said application, or as a result thereof, shall be grounds for suspension of the business license, or revocation of the license, pursuant to Title V, Chapter 1, Section 18, of the Municipal Code of the City of Las Vegas.

SECTION 2. All ordinances, parts of ordinances, chapters, sections, subsections, or paragraphs of the Municipal Code of the City of Las Vegas, Nevada, in conflict herewith, are hereby repealed.

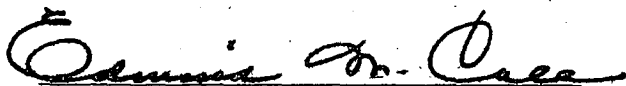
SECTION 3. In all cases, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine, and the feminine shall include the masculine.

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

PASSED, ADOPTED, AND APPROVED this 15th day of August, 1973.


ORAN K. GRAGSON, MAYOR

ATTEST:

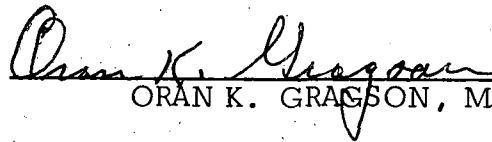

Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 25th day of July, 1973, and referred to the following committee composed of Commissioners Morelli and Lurie for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of August, 1973, 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:

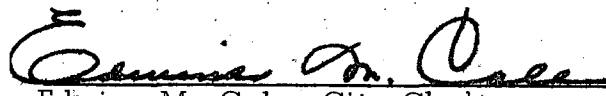
VOTING "AYE": Commissioners Christensen, Lurie, Franklin, Morelli and Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

ORDINANCE NO. 1642
 AN ORDINANCE ADDING CERTAIN SECTIONS TO TITLE V, CHAPTER 1, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING PROVISIONS AND REQUIREMENTS TO THE APPLICATIONS FOR BUSINESS LICENSES IN REGARD TO ADULT BOOK STORES AND ADULT MOVIE THEATRES, PROVIDING FOR OTHER REQUIREMENTS AND CONDITIONS OF MAINTAINING THE SAID BUSINESS LICENSES, PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF, PROVIDING FOR MATTERS PROPERLY RELATING HERETO, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH,
 PASSED, ADOPTED, AND APPROVED this 15th day of August, 1973.

APPROVED:
 /s/ Oran K. Gragson
 ORAN K. GRAGSON,
 MAYOR

ATTEST:
 /s/ Edwina M. Cole
 EDWINA M. COLE, CITY CLERK
 (SEAL)

The above and foregoing ordinance No. 1642 first proposed and read by title to the Board of Commissioners on the 25th day of July, 1973, and referred to the following committee composed of Commissioners Morelli and Lurie for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of August, 1973, 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 Christensen, Lurie, Franklin, Morelli and Mayor Gragson.
 VOTING "NAY": None. ABSENT. None.

APPROVED:
 /s/ Oran K. Gragson
 ORAN K. GRAGSON,
 MAYOR

ATTEST:
 /s/ Edwina M. Cole
 EDWINA M. COLE, CITY CLERK
 (SEAL)
 Pub. Aug. 17, 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 AUGUST 17, 1973 to

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

AUGUST 17, 1973

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

Signed [Signature]

Subscribed and sworn to before me this 21 day of August, 1973

[Signature]
 Notary Public in and for Clark County, Nevada
 County of Clark
 My Commission Expires April 14, 1977

My Commission Expires _____

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 CITY CLERK

RECEIVED

AUG 15 10 45 AM '73

AFFIDAVIT OF PUBLICATION

CITY CLERK

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 August 3, 1973 to

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

August 3, 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 13th day of August, 1973

Ruth V. Deskin



Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

Notary Public—State of Nevada
COUNTY OF CLARK

My Commission Expires April 14, 1977

My Commission Expires _____

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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 25th day of July, 1973, and referred to the following committee composed of Commissioners Marelli and Lurie for recommendation. COPIES OF THE COMPLETE ORDINANCE ARE ON FILE IN THE OFFICE OF THE CITY CLERK, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
 Pub. Aug. 3, 1973.