

ORDINANCE 1641

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 11, SECTION 1, SUBSECTION (A), OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CHANGING THE TITLE OF THE CHAPTER TO READ "OBSCENE MATERIAL" RATHER THAN OBSCENE LITERATURE, AND BY AMENDING THE DEFINITION OF THE WORD "OBSCENE"; BY AMENDING SUBSECTION (B) THEREOF BY DELETING THE WORD "MATTER" AND SUBSTITUTING THE WORD "MATERIAL" AND DEFINING SAME; BY AMENDING SUBSECTION (D) BY DELETING THE WORD "DISTRIBUTE" AND SUBSTITUTING THE WORD "PROMOTE" AND DEFINING SAME; AND BY AMENDING SUBSECTION (E) TO REDEFINE THE WORD "KNOWINGLY"; PROVIDING 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. 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 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.

[(B)]

(D) "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.

[(C)]

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

[(D)]

(F) "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 or agree to do any of these things.

[(E)]

(G) "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 2. All ordinances or parts of 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.

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

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

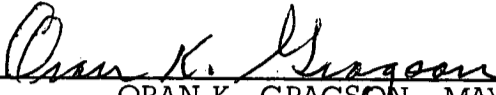
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 25th day of July, 1973, and referred to the following committee composed of Commissioners Morelli and Lufie for recommendation; thereafter the said committee reported favorably on said ordinance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

AFFIDAVIT OF PUBLICATION

RECEIVED
AUG 15 10 45 AM '73
CITY CLERK

ORDINANCE NO. 1641
 AN ORDINANCE TO AMEND TITLE VI, CHAPTER 11, SECTION 1, SUBSECTION (A) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CHANGING THE TITLE OF THE CHAPTER TO READ "OBSCENE MATERIAL" RATHER THAN "OBSCENE LITERATURE," AND BY AMENDING THE DEFINITION OF THE WORD "OBSCENE" BY AMENDING SUBSECTION (B) THEREOF BY DELETING THE WORD "MATTER" AND SUBSTITUTING THE WORD "MATERIAL," AND BEING SAME, BY AMENDING SUBSECTION (D) BY DELETING THE WORD "DISTRIBUTION," AND SUBSTITUTING THE WORD "PROMOTE," AND BEING SAME, AND BY AMENDING SUBSECTION (E) TO REDEFINE THE WORD "KNOWINGLY," PROVIDING 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 25th day of July, 1973, and referred to the following committee composed of Commissioners Morelli and Lurie for recommendation.

COPIES OF THE COMPLETE ORDINANCE ARE ON FILE IN THE OFFICE OF THE CITY CLERK—400 E. STEWART AVENUE, LAS VEGAS, NEVADA.
 Pub. Aug. 3, 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 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

[Handwritten signature]

Subscribed and sworn to before me this 13th day of August, 1973

[Handwritten signature]

My Commission Expires

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

ORDINANCE NO. 1641
 AN ORDINANCE TO AMEND TITLE VI, CHAPTER II, SECTION 1, SUBSECTION (A), OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY CHANGING THE TITLE OF THE CHAPTER TO READ "OBSCENE MATERIAL" RATHER THAN "OBSCENE LITERATURE, AND BY AMENDING THE DEFINITION OF THE WORD "OBSCENE" BY AMENDING SUBSECTION (B) THEREOF BY DELETING THE WORD "MATTER" AND SUBSTITUTING THE WORD "MATERIAL", AND DEFINING SAME; BY AMENDING SUBSECTION (C) AND DEFINING SAME; AND BY AMENDING SUBSECTION (D) BY DELETING THE WORD "DISTRIBUTE" AND SUBSTITUTING THE WORD "PROMOTE" AND DEFINING SAME; AND BY AMENDING SUBSECTION (E) TO REDEFINE THE WORD "KNOWINGLY"; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND 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. 1641 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 Turie 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, Turie, 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. 19, 1973.

AFFIDAVIT OF PUBLICATION

RECEIVED
 AUG 27 3 27 PM '73
 CITY CLERK

STATE OF NEVADA, { ss.
 COUNTY OF CLARK

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 Robert E. Hunter

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

Notary Public in and for Clark County, Nevada
Notary Public - State of Nevada
 COUNTY OF CLARK
 My Commission Expires April 14, 1977

