

ORDINANCE NO. 1640

AN ORDINANCE TO AMEND TITLE VI OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW CHAPTER 12, DESIGNATED "ABATEMENT OF NUISANCES", AND ADOPTING THEREUNDER CERTAIN SUBSECTIONS, DESIGNATED "SALE, DISTRIBUTION AND EXHIBITION OF OBSCENE ITEMS"; DECLARING THE PRODUCTION, PUBLICATION, SALE DISTRIBUTION, EXHIBITION OR POSSESSION WITH INTENT TO SELL OR DISTRIBUTE, ANY OBSCENE ITEM OR ITEMS, A PUBLIC NUISANCE; PROVIDING FOR THE ABATEMENT THEREOF; PROVIDING FOR OTHER MATTER PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATIONS HEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, there are presently located in the City of Las Vegas, establishments which do, in fact, produce, publish, sell, distribute, exhibit or possess, for the purposes of sale or distribution, certain items which, in the opinion of the City Commission of the City of Las Vegas, Nevada, are obscene; and

WHEREAS, said City Commission is of the opinion that the continued operation of such establishments as aforesaid is detrimental to the best health, safety, convenience, good morals and general welfare of the said City, and of the residents, citizens and inhabitants thereof; and

WHEREAS, the City Charter of the City of Las Vegas, Nevada, provides that said City Commission shall have the power to declare what shall be a nuisance, and to abate the same and to impose fines upon parties creating, continuing or suffering nuisances to exist; and

WHEREAS, the said City Commission desires, by this ordinance, to provide a method of eliminating or prohibiting such business, and all other similar businesses, from conducting their operation as aforesaid,

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

SECTION 1. Title VI, Chapter 12, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

That there is hereby adopted Chapter 12 under said Title VI to be designated "Sale, Distribution and Exhibition of Obscene Items," reading as follows:

6-12-1 DEFINITIONS: As used in the Sections of this Chapter, the following terms shall have the meanings set forth in this Section:

- (A) "Obscene" means any material which the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest in sex, and 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 the work taken as a whole lacks serious literary, artistic, political, or scientific value.

- (B) "Item" includes any book, magazine, leaflet, pamphlet, booklet, newspaper, or other printed or written material or any picture, drawing, photograph, film, negative, slide, motion picture or other pictorial representation or any statute or other figure, object, article, novelty device, 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) "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.

6-12-2 SALE OF OBSCENE ITEMS DECLARED A NUISANCE. Any person, firm, association or corporation who or which knowingly prints, copies, manufactures, prepares, produces, reproduces, publishes, sells, rents, leases, loans or in any other manner distributes, for a monetary consideration, or exhibits or has in his possession with intent to sell, rent, lease, loan or in any other manner distribute, for a monetary consideration, or acquires with intent to sell, rent, lease, loan or in any other manner distribute, for a monetary consideration, any book, magazine, pamphlet, comic book, story paper, writing, paper, picture, drawing, photograph, figure image, or any written or printed matter of an obscene character, or which is or contains an article or instrument of obscene use or purpose, or purports to be for an obscene use or purpose, or in any other respect defined in Section 1 of this Chapter, shall be guilty of maintaining a nuisance.

6-12-3 FINDING THAT NUISANCE EXISTS: REFERRAL TO CITY ATTORNEY FOR ACTION. Upon a specific finding by the City Commission that any person, firm, association or corporation is conducting his or its business in violation of Section 2 of this Chapter, said City Commission shall refer the matter to the City Attorney who shall, without further directions from the City Commission, take whatever action against such person, firm or corporation as he shall see fit, including, but not limited to, the filing of appropriate proceedings for the abatement of such nuisances in any Court of competent jurisdiction.

6-12-4 PENALTIES. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail not to exceed six months, or by any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 2. All ordinances, parts of ordinances, chapters, sections, subsections or paragraphs of the Municipal Code of the City of Las Vegas, Nevada, 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 No. 1640 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 first introduced and adopted by the following vote:

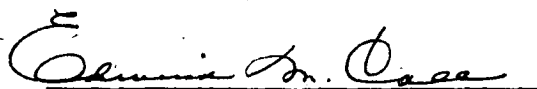
VOTING "AYE": Commissioners Christensen, Lurie, Franklin, Morelli and
Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

RECEIVED

AUG 15 10 45 AM '73
CITY CLERK

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 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

Notary Public



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

ORDINANCE NO. 1240
AN ORDINANCE TO AMEND TITLE
VI OF THE MUNICIPAL CODE OF
THE CITY OF LAS VEGAS, NEVADA,
1960 EDITION, BY ADDING
THERETO A NEW CHAPTER 12,
DESIGNATED "ABATEMENT OF
NUISANCES" AND ADOPTING
THEREUNDER CERTAIN
SUBSECTIONS, DESIGNATED
"SALE, DISTRIBUTION, AND
EXHIBITION OF OBSCENE ITEMS,"
DECLARING THE PRODUCTION,
PUBLICATION, SALE, DISTRIBUTION,
EXHIBITION OR POSSESSION WITH
INTENT TO SELL OR DISTRIBUTE
ANY OBSCENE ITEM OR ITEMS A
PUBLIC NUISANCE, PROVIDING
FOR THE ABATEMENT THEREOF,
PROVIDING FOR OTHER MATTER
PROPERLY RELATING THERETO,
PROVIDING PENALTIES FOR THE
VIOLATIONS THEREOF, AND
REPEALING ALL ORDINANCES OR
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 Marelli
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.

ORDINANCE NO. 1640.

OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING THERETO A NEW CHAPTER 12, DESIGNATED "ABATEMENT OF NUISANCES", AND ADOPTING THEREUNDER . . . CERTAIN SUBSECTIONS, DESIGNATED "SALE, DISTRIBUTION AND EXHIBITION OF OBSCENE ITEMS"; DECLARING THE PRODUCTION, PUBLICATION, SALE DISTRIBUTION, EXHIBITION OR POSSESSION WITH INTENT TO SELL OR DISTRIBUTE, ANY OBSCENE ITEM OR ITEMS, A PUBLIC NUISANCE; PROVIDING FOR THE ABATEMENT THEREOF; PROVIDING FOR OTHER MATTER, PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATIONS HEREOF, 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. 1640 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,

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 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 _____

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



My Commission Expires _____

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

RECEIVED
AUG 27 3 20 PM '73
CITY CLERK