

ORDINANCE NO. 2732

AN ORDINANCE TO AMEND ORDINANCE NO. 1519 PRESENTLY CODIFIED IN TITLE 5, CHAPTER 47 OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR DEFINITIONS; PROVIDING FOR CLARIFICATION OF THE REQUIREMENT THAT ALL SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS ARE REQUIRED TO POSSESS A SEXUALLY ORIENTED BUSINESS LICENSE; PROVIDING FOR CLARIFICATION OF THE NATURE OF LEGAL NONCONFORMING USES; REMOVING THE AMORTIZATION PERIOD FOR LEGAL NONCONFORMING USES; PROVIDING FOR CLARIFICATION OF PROCEDURE FOR ACCEPTANCE, REJECTION OR DENIAL OF LICENSE APPLICATION; AND OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA DOES ORDAIN:

SECTION 1: Chapter 47 of Title 5 of the Municipal Code of the City of North Las Vegas, Nevada, is hereby replaced in its entirety as follows:

5.47.010 Privileged business finding.

The City Council finds that sexually oriented activities affect the well-being of the city and its residents; that it is necessary to regulate such industry carefully to ensure that persons of honesty and integrity are operating such business and that they are operated in a manner responsible to the public and in the best interests of the sexually oriented industry.

5.47.020 Definitions.

For the purposes of this chapter, the following capitalized terms, phrases, words, and abbreviations shall have the meanings given as defined below, unless otherwise expressly stated within the text of chapter. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number, and words in the singular number include the plural number; and the masculine gender includes the feminine gender. The words "shall" and "will" are mandatory; and the word "may" is permissive. Unless otherwise expressly stated, words not defined herein shall be given their common and ordinary meaning.

- A. "Adult Arcade" means any building, or portion thereof, wherein coin-operated, slug-operated or for any form of consideration, Image Producing Devices are maintained for a person to view images distinguished or characterized by depicting or describing Sexual Conduct or Specified Anatomical Areas. Adult Motion Picture Theater is excluded from this definition of Adult Arcade, but otherwise defined below.

- B. "Adult Bookstore" means an establishment which can or does derive fifty-one percent or more of its gross sales of books, magazines, films, tapes, discs, and other periodicals from the sale of books, magazines, films, tapes and discs, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, or an establishment with a segment or section thereof devoted exclusively to the sale or display of such material.
- C. "Adult Cabaret" means any establishment, including an Adult Bookstore, Adult Arcade, nightclub, restaurant or other commercial establishment which features:
1. Persons who appear before, near, around or among other persons, whether or not behind glass, plexiglass or other similar barrier, in a state of Nudity or a state of Semi-Nudity; or
 2. Live performances which are distinguished or characterized by the exposure of Specified Anatomical Areas.
- D. "Adult Motel" means a hotel, motel or other similar commercial establishment which advertises or holds itself out as an establishment wherein material distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas is provided to persons via Image Viewing Devices as part of such establishment's services.
- E. "Adult Motion Picture Theater" means an enclosed building, or a portion thereof, used for presenting material distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas by Image Producing Devices to greater than one person.
- F. "Adult Novelty Business" means an establishment which can or does derive fifty-one percent or more of its gross sales of its stock and trade those products known generally as, but not limited to, adult novelties and gifts, bedroom accessories, party favors, lotions, creams, body paint, condoms, and aromatic products which are characterized by an emphasis for use during Sexual Conduct or with Specified Anatomical Areas, or an establishment with a segment or section thereof devoted exclusively to the sale or display of such products.
- G. "Child Care Facility" means a building used as a day nursery, children's boarding home, child placing agency or other place for the care and custody of children under eighteen (18) years of age.
- H. "Church" or "Place of Religious Worship" means a building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or, for propagating a particular belief form.
- I. "City" means the City of North Las Vegas.
- J. "City Clerk" means the City Clerk for the City of North Las Vegas.

- K. "City Council" means the City Council for the City of North Las Vegas.
- L. "Department" means the North Las Vegas Community Development and Compliance Department.
- M. "Director" means the Director of the Department.
- N. "Dwelling" means a house, duplex, apartment, townhouse, condominium, mobile home or any other building used for residential purposes.
- O. "Effective Date" means the date upon which City Council action is effective pursuant to the North Las Vegas Municipal Code and Nevada law.
- P. "Establishment" means a building or other structure wherein or whereon a Person is licensed to conduct a Sexually Oriented Business, including the parcel of land upon which such building or other structure is located, and all other land, buildings, structures, support and maintenance rooms and parking lots operated in such a manner as to form a part of the same operation as the building or other structure wherein or whereon a Person is licensed to conduct a Sexually Oriented Business, whether the land is under separate ownership or not.
- Q. "Fondle" or "Caress" means the act of using one's hands or any other object or body part for physical contact intended to Sexually Stimulate a person.
- R. "Grandfathered Establishment" means any establishment where a City-sanctioned Sexually Oriented Business was operating on June 6, 2010 and has maintained a valid, unexpired license to operate such Sexually Oriented Business pursuant to this code.
- S. "Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons. This would include, without limitation, sanitariums, institutions for the cure of chronic drug addicts and mental patients, rest homes, homes for the aged and alcoholic sanitariums.
- T. "Image Producing Devices" means electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, videotape playback devices, laser disc machines, digital versatile disc machines or other devices which act to produce images.
- U. "NLVMC" means the North Las Vegas Municipal Code, as amended.
- V. "Nude" means the showing of the human male or female genitalia, pubic area, vulva, anus, anal cleft or the female breast with less than an a fully opaque covering, or the showing of the male genitalia in a discernibly turgid state, whether covered or not.

- W. "Nude Modeling Studio" means any place where, for any form of consideration or gratuity, persons who display Specified Anatomical Areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity. An Establishment where art education is conducted by an educational institution licensed by the State of Nevada is not considered a Nude Modeling Studio.
- X. An "Offer to Provide Acts of Sexual Conduct" means to offer or propose to provide Sexual Conduct to a patron of a Sexually Oriented Business. Such definition includes all conversations, publications, advertisements, handbills and acts which would lead a reasonably prudent person to conclude that such acts were to be provided to the patron.
- Y. "Operation" means the conduct of any business regulated or licensed by this chapter.
- Z. "Outcall" has the meaning as ascribed to it at NLVMC § 5.35.010.
- AA. "Outcall Entertainer" has the meaning as ascribed to it at NLVMC § 5.35.010.
- BB. "Outcall Promoter" has the meaning as ascribed to it at NLVMC § 5.35.010.
- CC. "Outcall Promoter and Outcall Entertainer Business" has the meaning as ascribed to it at NLVMC § 5.35.010.
- DD. "Personal Introduction Business" means:
1. A commercial enterprise which, for a fee, holds itself out as an operation where persons previously unknown to each other, and neither of whom are employees, agents or servants of the business, enter into a written agreement with the business to provide a personal introduction to another based on specific criteria rather than random chance, or generalities, and which does not result in an immediate introduction by a single act of a telephone call or other form of communication; and
 2. Such specific criteria and business procedures involve, without limitation, an in-person meeting at the licensed business location of the patron and an agent of the licensed business, a systemized method of screening and evaluation, psychological profiles, common interests, personal preference evaluations, video media previews, and medical screening; and
 3. The business patron may, or may not, after the business has performed the operations for which the fee was paid, lead to a meeting with another patron of the business; and
 4. The business is licensed pursuant to Chapter 5.02 (privileged businesses).
- EE. "Prostitution" means engaging in sexual intercourse, oral-genital, oral-anal, or anal-genital contact, or any touching of the sexual organs, pubic region of a person or male or female breast with the intent of arousing or gratifying the sexual desire of either person for monetary consideration, whether by credit, cash, check, charge or barter.
- FF. "Public Building" means a building used by federal, state or local government open to the general public.

- GG. "Public Park" means a tract of land owned and/or maintained by federal, state or local government for the recreation and enjoyment of the general public.
- HH. "School" means a Child Care Facility or any state licensed institution of learning which offers instruction in the several branches of learning to more than five students at the same time, either as a public, private, or a vocational institution together with the playgrounds, dormitories, stadiums and other structures or grounds used in conjunction therewith.
- II. "Semi-nude" means any showing of the female breast, below a horizontal line across the top of the areola at its highest point and/or the showing of the male or female buttocks.

This definition does not include the showing of the female breast below the horizontal line across the top of the areola at its highest point if the areola and nipple are covered by a dress, blouse, bathing suit or other similar types of wearing apparel. "Wearing apparel" does not include pasties or any other item or clothing used to cover only the areola and nipple of the female breast.

- JJ. "Sexual Conduct" includes, but is not limited to the following: the Fondling or Caressing of, or any other physical contact with human genitals, the pubic region, the perinium, the anus, the buttocks, or male or female breasts; ultimate sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation and sodomy; masturbation; and excretory functions, alone, as part of, or in connection with, any of the activities set forth above.
- KK. "Sexually Stimulate" or "Sexual Stimulation" means to excite or arouse the prurient interest.
- LL. "Specified Anatomical Areas" includes the following: human genitals, pubic region, anus or perineum of any person, or the vulva or breast of a female, or human male genitals in a discernibly turgid state, even if completely covered.
- MM. "Sexual Encounter Business" means any establishment, which, for its purpose, provides the performance of any lawful service, or any other lawful business activity, profession or calling, to include, without limitation, car washes, cosmetology or barber services, maid services, food services, which promotes to the public through advertising, either written, oral or otherwise, that such services, professions or callings are to be performed by persons in a Nude or Semi-Nude state, or in clothing such as lingerie, g-strings, halters, or other such attire.
- NN. "Sexually Oriented Businesses" are limited to the following: Adult Arcades, Adult Bookstores. Adult Cabarets, Adult Motels, Nude Modeling Studios, Adult Motion Picture Theaters. Adult Novelty Businesses, Dating and Escort Services, Outcall Promoter and Outcall Entertainer Businesses and Sexual Encounter Businesses.

In addition to the requirements and regulations imposed by this chapter, Outcall Promoters and Outcall Entertainer Businesses are also regulated and shall also be licensed pursuant to the provisions of NLVMC Chapter 5.35.

- OO. "Viewing Area" means each area in which a patron or customer would ordinarily be positioned in order to view a controlled visible image generated by an Image Producing Device.

5.47.030 Purpose and intent.

A. In the development and adoption of the ordinance codified in this chapter, it is recognized that there are some adult business uses which have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, public parks, churches, public buildings, schools and other facilities, thereby having a deleterious impact upon the public health, safety and welfare, and that such businesses frequently become places of criminality.

B. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure those controls and regulations necessary to preserve the integrity and character of residential neighborhoods, the stability of property values, and impose restrictions and regulations upon those activities that would adversely affect property values, increase crime and violence, and prevent adverse secondary effects that will contribute to the blighting or downgrading of adjacent neighborhoods. It is the further purpose of this chapter to protect the well-being of the youth of the community from objectionable operational characteristics of these adult uses by regulating and restricting their close proximity to established certain facilities such as, without limitation, churches, parks, schools and residential areas.

C. In recognition of the protections afforded to the citizens under the First and Fourteenth Amendments, it is not the intent of this chapter to inhibit freedom of speech or the press. It is further the belief that just as advertising is designed to stimulate one's appetite for desiring goods or services, an overabundance or preoccupation with sexual displays or materials arouses the appetites of those so preoccupied and encourages violations of the criminal statutes involving sexual offenses and is contrary to the health and safety of the community.

D. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. This chapter represents a balancing of the legitimate ends of the community by imposing an incidental, content-neutral place, time and manner regulation of Sexually Oriented Businesses, without limiting alternative avenues of communication, and at the same time, requiring the business to carry its share of financing law enforcement activities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth in this chapter.

5.47.040 License required—Location requirements.

A. No person shall own, operate or conduct a Sexually Oriented Business within the boundaries of the City without first obtaining and thereafter maintaining a valid, unexpired license to operate such Sexually Oriented Business pursuant to this code. Each and every Sexually Oriented Business must be separately licensed prior to conducting such business.

B. Proximity. Except for those certain Grandfathered Establishments prior to any consideration for licensing a Sexually Oriented Business, a Sexually Oriented Business license applicant must comply with all appropriate city zoning requirements for Sexually Oriented Businesses, and the applicant must certify that the proposed Sexually Oriented Business will be located a minimum of one thousand (1,000) feet from the following:

1. A Child Care Facility;
2. A Church or Place of Religious Worship;
3. A Dwelling;
4. A Hospital;
5. A School;
6. A Public Building;
7. A Public Park;
8. A building where any alcoholic liquor as defined in Chapter 5.26 is distributed;
9. A building where any gambling licensed pursuant to Chapter 5.20 is conducted; and
10. Another Sexually Oriented Business.

The one thousand (1,000) feet referred to, excepting subsections (B)(5) and (7) of this section, must be determined by a direct line measurement from the primary entrance of the structure noted in subsection B of this section, without regard to intervening structures, to the proposed primary entrance of the Sexually Oriented Business. Items (5) and (7) of subsection B of this section must be measured in a direct line measurement from the proposed primary entrance of the Sexually Oriented Business to the property line of the land use noted in subsections (B)(5) and (7) of this section.

C. Permitted Legal Nonconforming Use. For those certain Grandfathered Establishments, the particular sexually oriented use at such Grandfathered Establishments shall be considered a limited legally non-conforming use, and such Grandfathered Establishments shall not require to comply with those specific provisions of this chapter from which Grandfathered Establishments have been specifically exempted, provided that:

1. The square footage of the Grandfathered Establishment where such legal non-conforming use is permitted must not be increased, enlarged, extended or altered by more than twenty-five percent (25%) without the approval of the City Manager (routine maintenance and repair of the Establishment in the normal course of business shall not constitute an "alteration" of the Establishment);
2. The Establishment where such legal non-conforming use is permitted must not become non-operational for more than thirty (30) consecutive days, or such legal non-conforming use lapses;
3. All semi-annual license fees must be paid. An expired or automatically revoked license may not be reissued.
4. The Grandfathered Establishments comply with all provisions of this chapter with the exception of those specific provisions of this chapter from which Grandfathered Establishments have been specifically exempted.

5.47.050 License—Application—Business premises required.

The City shall not issue any Sexually Oriented Business license to an applicant unless such applicant has an established place of business. Sexually Oriented Businesses, as licensed under this code must be located, maintained or kept in those areas of the city zoned in accordance with, and are subject to all restrictions and regulations contained in Title 17.

- A. A Sexually Oriented Business license shall not be issued to any Sexually Oriented Business to be operated from a Dwelling.
- B. It is unlawful to conduct a Sexually Oriented Business from a Dwelling.

5.47.060 Application.

A. Any person who desires to own, operate or conduct a Sexually Oriented Business must first apply for and obtain a Sexually Oriented Business license. Any such application shall be filed with the Department on forms acceptable to the Department. The applicant shall furnish all the information required by the Department including, but not limited to:

- 1. The applicant's business organization and structure;
- 2. The proposed business location and a copy of the deed, lease or rental agreement for the proposed business location showing that the applicant has the legal right to occupy required premises;
- 3. The name and address of each principal including the name and residential address of each key employee of the business;
- 4. The names and residential addresses of all persons owning an interest in the business, including the name and residential address of each key employee of the business, and where there is more than one owner of such an establishment, the names and residential addresses of all such persons owning an interest in the business must be listed on the application, together with a statement as to the percentage of the business owned by each individual;
- 5. A consent to police department and business license division investigation of the applicant's financial background, employment history and criminal record;
- 6. A list of convictions for any of the following crimes: pandering, prostitution and all conduct made unlawful by NRS 201.295 to NRS 201.440, inclusive, statutory sexual seduction, incest, exhibition and sale of obscene material to minors, and all conduct made unlawful by NRS 201.256 to NRS 201.265, inclusive, obscenity, and all conduct made unlawful by NRS 201.235 to NRS 201.254, inclusive, intentional transmission of human immunodeficiency virus (NRS 201.205), sexual penetration of a dead human body (NRS 201.450), lewdness and indecent exposure, and all conduct made unlawful by NRS 201.210 to NRS 201.232, inclusive, and any other crime referenced in NRS 200.700 to 200.760, inclusive, engaging in business as an outcall promoter or outcall entertainer without a license, as well as

all convictions for any similar offenses under federal law or the law of another state or local government; or adverse civil action judgments involving fraudulent or deceptive advertising, sales, or trade practices, and a detailed explanation of the circumstances;

7. Applicant's business and employment history, stating whether or not the applicant, or applicant's manager, director, officer, stockholder having involvement with the management or operation of the business or partner have had any business license revoked or suspended and stating the details, including the reasons why;

8. Any other pertinent documents or information which the division may require related to subsections 1 through 7 of this section; and

9. Any other information that reasonably relates, or may lead to information that reasonably relates, to the applicant's qualifications, acceptability, or fitness for a license.

B. The applicant shall swear or affirm the truth of the information contained in the application.

5.47.070 License—Applicant-Additional Provisions for Corporations.

In all cases where the applicant for a Sexually Oriented Business license is a corporation, the names and residential addresses of all the principals of the corporation must be listed on the application. In all such cases, the Director will determine which of the principals will be required to undergo a police investigation.

5.47.080 Application—Contents—Additional.

A. Each applicant must designate on the application the name of a resident agent or key employee residing within the county who is responsible for the conduct of the business and authorized to immediately answer to the City Council, or its agents, should inquiry or action be deemed necessary in the absence of the licensee.

B. The applicant must supplement the application by submitting a written plan setting forth the method of operation of the business.

C. Every applicant desiring to operate an Adult Arcade must include the number of electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, videotape playback devices, laser disc machines or digital versatile disc machines or other image producing devices that will be located upon the premises, the name of the manufacturer, serial number or identification number, if any, and type of each device, together with a floor plan of the establishment that shows the size of each room for which such devices will be located, in each such room.

5.47.090 Exemptions.

The provisions of this chapter do not apply to those businesses which:

- A. Operate a manufacturing or wholesale business, licensed in accordance with Chapter 5.02;
- B. Operate as a Personal Introduction Businesses.

5.47.100 Application fee required.

No investigation will be made of any applicant for a Sexually Oriented Business license prior to the payment by the applicant, and receipt of such fees by the director, and a license shall not be issued until all appropriate fees are paid.

5.47.110 Investigation fees—Required—Fees charged.

- A. Any person applying for a Sexually Oriented Business license, prior to receiving a license pursuant to this chapter must undergo an investigation by the police department and/or the business license division to determine suitability.
- B. A non-refundable police investigation fee of two hundred dollars (\$200.00) shall be paid for each person listed in the application.
- C. After the filing of a completed application and payment of all fees, the applicant must be referred to the police department for fingerprinting, photographs, investigation and reporting. The result of the investigation shall be given to the director.

5.47.120 No Refund on Investigation Fee.

If an applicant is denied a license after the investigation, no part of the investigation fee deposited shall be refunded.

5.47.130 Withdrawal of Application—Refund.

If any applicant withdraws his application after fingerprinting and photographs, but prior to the beginning of an investigation, all fees, excluding the costs incurred by the police department for fingerprints and photographs of the applicant, shall be returned to the applicant.

5.47.140 License—Corporation—Partnerships—Associations—Changes in membership.

In the case of a partnership, association or corporate licensee, any and all changes in the principals shall be reported to the department within thirty (30) days of the appointment or election of such principals. All new principals shall be required to qualify for a license as required in this chapter. Failure to notify the Department of such changes is grounds for revocation of any existing license. (Ord. 1351 § 2 (part), 1999)

5.47.150 Acceptance of Application by Director

A. The Director, or his designee, shall not accept a Sexually Oriented Business license application for one or more of the following reasons:

1. The license application is incomplete so as to not contain all information required by this chapter;
2. All investigation fees, and any Sexually Oriented Business license fee required by this chapter are not paid at the time the application is filed; or
3. The applicant, or any of its principals, has within the past seven years, been convicted of a crime, in the local, state or federal court systems for any violations listed in Section 5.47.060(E) of this chapter, or has been, within the past seven years, permanently enjoined in an adjudicated civil action from engaging in fraudulent advertising, sales or trade practices.

B. If the application is not accepted, the Director, or his designee, shall, within twelve (12) business days, notify the applicant and explain the reason(s) why the application was not accepted. Notification shall be sent certified, United States mail, return receipt requested, to the address provided on the license application. Each applicant has the burden to furnish any change of address to the director by United States certified mail, return receipt requested.

The applicant may appeal the refusal of the Department to accept the application to the City Council by filing a written notice of appeal with the Director within ten (10) days after receipt of notice of the rejection. After notice and public hearing, the City Council may affirm, reverse or modify the refusal to accept such application in its sole discretion.

5.47.153 Rejection of application after filing with Department

The Director, or his designee, shall reject a Sexually Oriented Business license application after acceptance for one or more of the following reasons:

1. The applicant, or any of its principals, has made false or fraudulent statements in the application, evidence of which is disclosed by a police department or division background investigation or by any other lawful means; or
2. The operation proposed by the applicant does not comply with all applicable laws, including, but not limited to, all applicable zoning, fire, safety and health ordinances and regulations.

If the application is rejected, the Director shall, within twelve (12) business days, notify the applicant and explain the reason(s) why the application was rejected. Notification shall be sent certified, United States mail, return receipt requested, to the address provided on the license application. Each applicant has the burden to furnish any change of address to the director by United States certified mail, return receipt requested.

The applicant may appeal the rejection of application by the Department to the City Council by filing a written notice of appeal with the Director within ten (10) days after receipt of notice of the rejection. After notice and public hearing, the City Council may affirm, reverse or modify the rejection of such application in its sole discretion.

5.47.155 License issuance or denial.

The Director shall issue a Sexually Oriented Business license to an applicant upon City Council approval of the applicant's application.

5.47.160 Business—Employers and employees—Work card required—Additional grounds for denial.

A. Each and every employee, agent or independent contractor working at any establishment licensed pursuant to this chapter must secure a work card from the police department. Each employee must carry the work card upon his or her person, at all times while at the establishment licensed pursuant to this chapter, if possible. If it is not possible to carry a work card on the person of the employee, agent or independent contractor, such person must have the work card at the establishment licensed pursuant to this chapter. Work cards are non-transferable.

B. In addition to the requirements imposed by Chapter 5.42, Registration of Certain Employees, a work card shall not be issued by the police department to any individual who has been convicted of any crime delineated at NLVMC 5.47.060(A)(6).

C. When an employee, agent or independent contractor is terminated or resigns from a Sexually Oriented Business, the employee, agent or independent contractor must immediately surrender his work card to his employer, and the employer must immediately deliver such surrendered work card to the police department.

5.47.170 Inspection and approval of premises.

Applicants for a Sexually Oriented Business license shall permit authorized City personnel to inspect the premises where the Sexually Oriented Business is to be conducted, and the City reserves the right to reject or withhold approval of licenses or permits until the business premises conforms with building, development services and fire codes, as well as any other applicable code or ordinance of the City.

5.47.180 Sexually Oriented Businesses—Regulations—Generally

A. Sexually Oriented Business shall not display any product or offer any service or other business activity in an area of its Establishment which can be viewed from the exterior of the building.

B. With the exception of Adult Motion Picture Theaters with seating for more than twenty (20) patrons at one time, it is unlawful for the Viewing Area of any Adult Arcade, Adult Motion Picture Theater with seating for less than twenty (20) patrons at one time, or any other area reserved for the performance of a service or other business activity in connection with a Sexually Oriented Business to have any door, curtain, or other privacy device.

C. Any Adult Motion Picture Theater or Adult Arcade shall have a uniformed security guard physically on duty in the Viewing Area of the Adult Motion Picture Theater or at the Adult Arcade at all times the Establishment is open to ensure compliance with all federal, state and city statutes and

ordinances. If the Establishment has an Adult Motion Picture Theater and an Adult Arcade each of which are maintained in separate areas of the same establishment, each separate area must have its own uniformed security guard on duty.

D. Any area near, about or around an Adult Arcade not dedicated to the Viewing Area of an Image Producing Device shall have lighting which has a minimum of thirty (30) footcandle power light when measured at a point sixty (60) inches from the floor.

E. Any Adult Arcade shall only have the number of Image Producing Devices for which such license was issued, and the number of such Image Producing Devices at the licensed Adult Arcade must not exceed the number permitted under such license. If an Adult Arcade licensee desires to add to the number of Image Producing Devices licensed by the City, such licensee must apply for another Sexually Oriented Business license for such additional Image Producing Devices.

Any Adult Arcade licensee shall notify the Director in writing of any proposed change in the floor plan of the Adult Arcade, to include, without limitation, any change in the size and type of any Image Producing Device that was identified in the application for the license and any change in the size of any Viewing Area or room in which any Image Producing Device is located.

F. Except for those certain Grandfathered Establishments, it is unlawful for alcoholic beverages (as defined in Chapter 5.26) to be present, sold and/or consumed at, in or upon a Sexually Oriented Business licensee's Establishment at any time.

G. It is unlawful for persons to loiter in a Sexually Oriented Business Establishment who are not actually engaged in viewing the products offered at the Establishment, or receiving lawful services provided by the licensee, the licensee's employees, agents or independent contractors hired by the licensee.

H. It is unlawful for a Sexually Oriented Business licensee to allow a person to loiter in a Sexually Oriented Business Establishment if that person is not viewing the products offered at the licensee's Establishment, or receiving lawful services provided by the licensee, the licensee's employees, agents or independent contractors hired by the licensee.

I. It is unlawful for any Sexually Oriented Business licensee to allow a person under the age of eighteen (18) years in, on or at such Sexually Oriented Business Establishment.

J. It is unlawful for a licensee, or a licensee's employee, agent or independent contractor hired by the licensee to Fondle, Caress or engage in any other physical contact with the intent of, or have the effect of, providing Sexual Stimulation to a patron of the licensee's establishment during any transaction of a lawful business activity between the licensee, licensee's employee, agent or independent contractor hired by the licensee and the patron.

a. Limited Exception: Sexual Encounter Business: in the case of a Sexual Encounter Business, it is unlawful for such a licensee, or such licensee's employee, agent or independent contractor hired by the licensee to engage in any physical contact with the patron of the Establishment, except for

that physical contact within the inherent nature of the service, profession or calling, performed during the transaction of a lawful business activity between the licensee, or licensee's employee, agent or independent contractor hired by the licensee and the patron.

K. It is unlawful for a licensee, a licensee's employee, agent or an independent contractor hired by the licensee to Fondle, Caress or engage in any other physical contact with the intent of, or have the effect of providing Sexual Stimulation to another employee, agent or an independent contractor hired by the licensee.

L. It is unlawful for a Nude Modeling Studio licensee or a licensee's employee, agent or an independent contractor hired by the licensee to perform any nude modeling off the premises of the Nude Modeling Studio establishment.

M. It is unlawful for an licensee, a licensee's employee, agent or an independent contractor hired by the licensee to allow, permit, encourage, or tolerate any act of masturbation to occur in or at the licensee's establishment.

N. All licensees shall conspicuously display at the main entrance of the establishment all licenses required by this chapter.

5.47.190 Adult Cabarets-Additional Regulations.

A. No person shall advertise an Adult Cabaret, or otherwise cause to be advertised without a valid Adult Cabaret license issued pursuant to this chapter.

B. All Adult Cabaret licensees shall maintain and retain for a period of three years the names, any aliases, addresses and ages of all persons employed or otherwise hired by the licensee, including, but not limited to, all employees, agents and independent contractors hired by the licensee.

C. Except for those Grandfathered Establishments, all communication, whether verbal or visual, between an Adult Cabaret licensee, a licensee's employee, agent or an independent contractor hired by the licensee and patrons of the licensee's establishment shall take place within an area which is visible immediately upon entrance to the Establishment.

D. Patrons of an Adult Cabaret shall not be permitted in private rooms with a licensee's employee, agent or independent contractor employed or hired by an Adult Cabaret licensee under any circumstance.

E. It is unlawful for any patron of an Adult Cabaret to Fondle, Caress or engage in any physical contact with the intent of, or have the effect of, providing Sexual Stimulation to any employee, agent or independent contractor employed or hired by such Adult Cabaret licensee.

F. It is unlawful for any employee, agent or independent contractor employed or hired by an Adult Cabaret licensee to Fondle, Caress or engage in any other physical contact with the intent of, or have the effect of, providing Sexual Stimulation to another employee, agent or an independent contractor employed or hired by such Adult Cabaret licensee.

G. No patron shall directly pay money or give any gratuity to any employee, agent or independent contractor employed or hired by an Adult Cabaret licensee for an offer to provide acts of Sexual Conduct, or any acts constituting Sexual Conduct.

H. No employee, agent or independent contractor employed or hired by an Adult Cabaret licensee shall solicit any money or gratuity from any patron of such Adult Cabaret for an offer to provide acts of Sexual Conduct, or any acts constituting Sexual Conduct.

I. Except for those certain Grandfathered Establishments, any Adult Cabaret licensed pursuant to this chapter which advertises or uses the words in its trade or place name that imply the availability of alcoholic liquor on the premises, such as "bar," "lounge" or "saloon," must state in all such advertisements that alcoholic beverages are not sold nor permitted on the premises.

J. No Adult Cabaret shall employ a security guard, or allow a security guard to work on the premises, unless such security guard has obtained a work card pursuant to NLVMC Chapter 5.42.

K. Except for those Grandfathered Establishments, if any patron of an Adult Cabaret receives a beverage represented as a drink which contains alcohol when sold that patron shall receive a reimbursement of the full admission fee to the Adult Cabaret plus the cost of such beverage.

L. No person shall publicly display or expose or suffer the public display or exposure, with less than a full opaque covering, of any portion of the female breast below a point immediately above the top of the areola or of a person's genitals or pubic area in a lewd and obscene fashion.

5.47.200 Sign Regulations-Adult Cabarets.

A. Except for those certain Grandfathered Establishments, all Adult Cabarets shall have signs posted which are:

1. At least twenty-four (24) inches by twelve (12) inches in size;
2. Which have lettering at least two inches in height; and
3. Which contains the words:
"NO ALCOHOLIC LIQUOR SERVED HERE" "PROSTITUTION IS ILLEGAL"

B. The signs described in subsection A of this section must be placed:

1. At eye level, on the outside of all entrances to the establishment; and
2. Must be properly illuminated so that anyone approaching the entrance can, without difficulty, read the sign; and
3. The same signs as in subsection (A)(3) of this section must also be placed within the establishment at eye level at fifteen (15) foot intervals along all interior walls of the establishment.

5.47.210 False, deceptive or misleading advertising prohibited.

It is unlawful for a licensee, or any employee, agent or independent contractor employed or hired by such licensee, to use, publish, disseminate, display, or cause to be displayed, directly or indirectly, in any newspaper, magazine or other publication, or by radio, television, telephone or pictorial display, or other advertising medium, or by any advertising device or declaration, or by any other manner or means, any statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive or misleading, which would suggest to a reasonably prudent person that any service other than that specified on the business license and defined in this chapter is available to the Sexually Oriented Business patron. Such an act is grounds for revocation of the license.

5.47.220 License fee.

The license fee for a Sexually Oriented Business license is one percent of such Sexually Oriented Business' gross revenue. The license fee shall be calculated and payment shall be made to the City in the manner as required by NLVMC 5.02.

5.47.230 Term of licenses.

All licenses provided for in this chapter shall be issued for semi-annual periods, as described by NLVMC 5.02.

5.47.240 Licensee responsible for the acts of employees.

A licensee is responsible for the acts of the licensee's employees, agents and independent contractors while at the licensee's establishment and during the course of employment away from the licensed premises, and every licensee must accordingly use adequate care in the selection of his employees. In any licensing suspension, limitation or revocation proceedings, the fact that the licensee did not have actual knowledge of the events complained of is no defense, and every licensee hereunder accepts his license subject to such condition.

5.47.250 License--Denial—Nonrenewal—Suspension—Revocation—Limitation.

A. Without limiting the generality of the foregoing, any licensee under this chapter is subject to disciplinary action, including, but not limited to suspension or revocation of a license, for any violation defined below, including, without limitation:

1. Violating any provision of Title 5 of this Code;
2. Knowingly, and without taking immediate and affirmative steps to obtain approval by the City, does any act to sell, purchase or lease to any person a Sexually Oriented Business or any portion of such business operation;
3. Knowingly failing to report, or knowingly conceal from the City Council, a full disclosure of the names of all persons having an interest in the ownership of, or having an equitable or beneficial right to the profits under a license in which that person has an interest;

4. Knowingly failing to report, or knowingly concealing from proper authority, any information which it is his duty to supply under any statute, ordinance or regulation of the state or the city;
5. Permitting his licensed premises to be frequented by, or become the meeting place, hangout or rendezvous for prostitutes, those who engage in acts constituting Sexual Conduct on the premises, vagrants, intoxicated persons, or those who engage in the use or distribution of controlled substances or any other illegal occupation or business.
6. Making a misrepresentation of a material fact in his application to obtain a license;
7. Allows a minor under the age of eighteen (18) years to loiter in or around the premises;
8. Except for those certain Grandfathered Establishments, allowing alcoholic beverages (as defined in NLVMC 5.26) to be present or consumed on, at or about a licensee's Establishment;
9. Allowing any form of gambling as defined in Chapter 5.20 to occur on, at or about a licensee's Establishment;
10. Employing, or permitting to work, a person under the age of eighteen (18) years at a licensee's Establishment;
11. Commits any of the offenses listed in Section 5.47.060(A)(7);
12. Failing to provide the City with changes in the principals of a corporation, partnerships or associations; or
13. Violating any provision of Chapter 5.47 not already referenced above.

B. Disciplinary action may include, but is not limited to, suspension or revocation of a Sexually Oriented Business license upon proper notice and a hearing before the City Council.

5.47.260 Revocation after grant.

Other than a license that has been automatically revoked pursuant to Section 5.02.380(C)(3), no license may be revoked without providing the holder thereof notice of a hearing and an opportunity to appear before the City Council to show cause why such license shall not be revoked. Upon any such revocation, the City shall be entitled to retain the license fee previously paid for such license.

5.47.270 Judicial review.

Any person aggrieved by final decision or order of the City Council made after a hearing as heretofore provided may obtain a judicial review of questions of law thereof in the Eighth Judicial District Court, Clark County, Nevada.

A. Such judicial review shall be instituted by filing a petition for judicial review within thirty (30) days after service of the final decision or order. The petition for judicial review shall set forth the order or decision appealed from, and shall set forth the specific rulings on questions of law which the petitioner contends constitutes error.

B. Copies of the petition for judicial review shall be served upon the City Clerk and all other parties of record, or their counsel of record, either personally or by certified mail.

C. The filing of the petition for judicial review shall not stay enforcement of the decision or order of the City Council, but the City Council itself may grant a stay upon such terms and conditions as it deems proper, upon a proper request at a public hearing.

D. Upon written request of the petitioner and upon payment of such reasonable costs and fees as the City Council may prescribe, the complete record on review, or such parts thereof as are designated by the petitioner, shall be prepared by the City Clerk.

E. The complete record on review shall include copies of all pleadings in the case, all notices and interim orders issued by the City Council in connection with the case, all stipulations, the decision and the order appealed from, a transcript of all testimony, evidence and proceedings at the hearing, the exhibits admitted or rejected, and any other papers in the case.

F. A copy of any document may be used in lieu of an original. The record on review may be shortened by stipulation of all parties to the review proceedings.

5.47.280 Alcoholic liquor not permitted.

Except for those certain Grandfathered Establishments , the Department shall not issue any liquor license, as defined in Chapter 5.26, to any business licensed pursuant to this Chapter.

5.47.290 Gambling not permitted.

The division must not issue any gambling license, as defined in Chapter 5.20, to any business licensed pursuant to this chapter.

5.47.300 Outcall Promoter and Outcall Entertainer Business -Limited Prohibition.

Any Sexually Oriented Business licensed in accordance with this chapter, other than an Outcall Promoter and Outcall Entertainer Business, shall not also conduct an Outcall Promoter and Outcall Entertainer Business.

5.47.310 Application of other ordinances.

The terms, conditions and policies of other applicable ordinances are intended to be applied in conjunction with the enforcement of all other ordinances of the City designed for the protection of the public health and safety. The fact that such ordinances are not specifically referred to in this chapter must in no manner preclude their application to Sexually Oriented Business licensees.

However, the explicit provisions of NLVMC 17.24.180 (Nonconforming uses and structures) shall not apply to any Sexually Oriented Business. The only permitted legal nonconforming Sexually Oriented Business uses are those legal nonconforming uses as specifically described in this chapter; the extent of such legal nonconforming uses are defined by the provisions of this chapter.

5.47.320 Licensee's agreement to conform to law.

Acceptance of a Sexually Oriented Business license by a licensee constitutes an agreement on the part of such licensee to be bound by all of the regulations of the city as the same now are, or may hereafter be amended or promulgated. It is the sole responsibility of the licensee to keep himself informed of the content of all such rules and regulations, and ignorance thereof will not excuse violations.

5.47.330 Violation-Penalty.

A. Any criminal penalty for the violation of any section of this chapter shall be in addition to the other penalties provided by this Chapter, including suspension and/or revocation of a licensee's Sexually Oriented Business License.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by its City Attorney as to the constitutionality of this ordinance and based upon such information is adopting this Ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS. as amended from time to time.

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SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS 21st day of October, 2015.

AYES: Mayor Lee, Mayor Pro Tempore Goynes-Brown, Council Members Wood, Barron and Cherchio

NAYS: (NONE)

ABSTAIN: (NONE)

ABSENT: (NONE)

APPROVED:

/s/ JOHN J. LEE
JOHN J. LEE, MAYOR

ATTEST:

/s/ BARBARA A. ANDOLINA
BARBARA A. ANDOLINA, CITY CLERK