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STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

being first duly sworn, deposes and says:
That as the legal clerk of the RENO GAZETTE-
JOURNAL, a daily newspaper published in Reno,
Washoe County, State of Nevada, that the notice:

bill 1079

of which a copy is hereto attached, has been
published in each regular and entire issue of said
newspaper on the following dates to wit:

Nov. 5, 1999

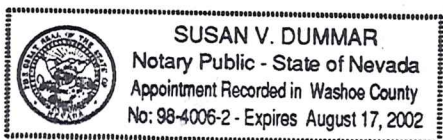
Signed [Signature]

Subscribed and sworn to before me this

Nov. 5, 1999

[Signature]

Notary Public



PROOF OF PUBLICATION

NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE
NO. 1079
NOTICE IS HEREBY GIVEN THAT: Bill
No. 1255 Ordinance No. 1079 entitled
AN ORDINANCE AMENDING THE
WASHOE COUNTY CODE BY REVISING
THE PROVISIONS PERTAINING
TO ADULT BOOKSTORES, AND ADULT
MOTION PICTURE THEATERS, TO
ADD DEFINITIONS OF ADULT CHARACTERIZED
BUSINESSES, TO ADD
REGULATIONS FOR ADULT INTERACTIVE
CABARETS AND ADULT OUT-
CALL SERVICES, TO ADD REGULATIONS
THAT APPLY TO ALL ADULT
CHARACTERIZED USES, TO ADD AND
AMEND FINDINGS AND PURPOSES
FOR REGULATING ADULT CHARACTERIZED
BUSINESSES, TO CHANGE
THE REGULATORY ZONES IN WHICH
AN ADULT CHARACTERIZED BUSINESS
IS PERMITTED, TO ADD TO THE
LIST OF USES FROM WHICH AN
ADULT CHARACTERIZED BUSINESS
MUST BE DISTANCED, AND OTHER
MATTERS PROPERLY RELATING
THERE TO.
was adopted on October 26, 1999, by
Commissioners Joanne Bond, Jim Gallo-
way, Pete Sferazza, Jim Shaw, and
Ted Short and will become effective on
Monday, November 15, 1999.
Typewritten copies of the ordinance
are available for inspection by all inter-
ested persons at the office of the
County Clerk, 75 Court Street, Reno,
Nevada.
AMY HARVEY,
Washoe County Clerk
No.4309 Nov.5, 1999

SUMMARY: Amends Washoe County Code by revising provisions pertaining to adult characterized businesses

BILL NO. 1255

ORDINANCE NO. 1079

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING THE PROVISIONS PERTAINING TO ADULT BOOKSTORES, AND ADULT MOTION PICTURE THEATERS, TO ADD DEFINITIONS OF ADULT CHARACTERIZED BUSINESSES, TO ADD REGULATIONS FOR ADULT INTERACTIVE CABARETS AND ADULT OUTCALL SERVICES, TO ADD REGULATIONS THAT APPLY TO ALL ADULT CHARACTERIZED USES, TO ADD AND AMEND FINDINGS AND PURPOSES FOR REGULATING ADULT CHARACTERIZED BUSINESSES, TO CHANGE THE REGULATORY ZONES IN WHICH AN ADULT CHARACTERIZED BUSINESS IS PERMITTED, TO ADD TO THE LIST OF USES FROM WHICH AN ADULT CHARACTERIZED BUSINESS MUST BE DISTANCED AND OTHER MATTERS PROPERLY RELATING THERETO..

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1.

Chapter 25 of the Washoe County Code is hereby amended as set forth in Exhibit A which is attached and incorporated by reference.

Proposed on the 28th day of September, 1999.

Proposed by Commissioner Pete Sferrazza.

Passed on the 26th day of October, 1999.

Vote:

Ayes: Bond- GALLOWAY - Shaw - Sferrazza

Nays: Short

Absent: none

Jim Galloway
Chairman
Washoe County Commission

ATTEST:

Angi Harvey
County Clerk

This ordinance shall be in force and effect from and after the 15th day of November, 1999

Adult Characterized Businesses

25.047 Definitions. As used in sections 25.047 to 25.056, inclusive, unless the context otherwise requires:

1. "Adult bookstore" includes any establishment having as a substantial or significant portion of its stock in trade books, magazines, periodicals, pictures, drawings, photographs, films, negatives, slides, motion pictures, recordings, video tapes, video discs, computer discs, instruments, devices or paraphernalia or any other items or materials defined by NRS 201.235 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 devoted to the sale of display of such material and not exempt pursuant to section 25.0531, subsection 18.

2. "Adult characterized business" includes:

(a) Any business wherein it is intended, for any form of consideration or gratuity, along or in combination with an otherwise established fee, to employ persons, whether as an employee or independent contractor, to perform business activities, or be present in conjunction with the performance of a business activity where such performance or presence involves the display of "specified anatomical areas" or "specified sexual activities". This definition does not include adult revues.

(b) Any business in which the preponderance of material available for sale, rent or lease displays or describes "specified anatomical areas" or "specified sexual activities".

3. "Adult drive-in theater" includes a drive-in theater used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

4. "Adult hotel or motel" includes a hotel or motel which holds itself out to the public through advertising as an establishment wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" and rents or allows subrentals of rooms for periods of ten (10) hours or less.

5. "Adult interactive cabaret" includes any fixed place of business which offers to patrons over the age of 21 the opportunity to view dancers whose attire, costume, clothing or lack thereof exposes "specified anatomical areas" as defined in this section, or permits or allows anyone to solicit from patrons present anything of value such as drinks, lap dancer, table dancer, tips or other gratuities, bookings or dates. The terms "adult cabaret" and "adult interactive cabaret" are synonymous for all purposes herein.

6. "Adult motion picture arcade" includes any portion of an adult business to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video cassettes, computer displays, slides, photographic reproductions, or other image-producing devices are maintained for ten or fewer persons per machine at any one time whether or not for remuneration, and where images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

7. "Adult motion picture theater" includes any enclosed building used for presenting material which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

8. "Adult revue" includes a show that has a theme with separate acts in which one or more acts offer to patrons over the age of 21 the opportunity to view dancers whose attire, costume, clothing or lack thereof exposes "specified anatomical areas" as defined in this section; in which the location of the adult revue is within a structure housing an establishment with an unlimited gaming license; and the structure with the unlimited gaming license has a minimum of three hundred (300) transient lodging rooms; and the adult review is performed within a designated showroom or showrooms in which the interior of the showroom(s) is not visible from any portion of the adjacent floor area during performances; and where the performers observe the restrictions enumerated in section 25.055, subsection 5, 6 (d) and 6 (k).

9. "Chaperon" includes any person who, for a salary, fee, hire, or profit, and who is not a licensed owner of any business licensed under this chapter, or is not an out call entertainer, or protects or assists out call entertainers while they are providing out call entertainment.

10. "Commence operating" includes:

(a) Commencing the operation of an adult characterized business; and

(b) Reconstruction alteration of an existing building or portion thereof for the purpose of operating an adult characterized business.

11. "Dancer, entertainer or performer" includes any person male or female, or any electronic reproduction of a male or female such as a holographic representation, who dances, models or otherwise performs for an adult interactive cabaret.

12. "Entertainment location" includes a hotel or motel guestroom or accommodation, or any other public lodging accommodation including recreational vehicle parking facilities.

13. "Internal review board" means a board of three or more persons as authorized herein that is convened to hear and decide appeals of a denial by the sheriff of a work card or temporary work card.

14. "Model studio" includes any place, excluding those places used for art instruction purposes associated with an art curriculum at an accredited university, college or trade school, where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" or perform "specified sexual activities", are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

15. "Out call entertainer" includes a natural person who is sent or referred to an entertainment location by an out call entertainment referral service to entertain an out call entertainment patron at an entertainment location.

16. "Out call entertainment" includes a visit by an out call entertainer at an entertainment location in response to a request to entertain an out call entertainment patron at the entertainment location.

17. "Out call entertainment patron" includes a person who requests an entertainer to entertain at an entertainment location and who either pays or agrees to pay the fee of the

out call entertainment referral service and/or a person who is entertained by an out call entertainer at an entertainment location.

18. "Out call entertainment referral service" includes a business which for a fee sends or refers an entertainer to an entertainment location in response to a request to entertain an out call entertainment patron at the entertainment location.

19. "Residentially zoned area" includes any residential regulatory zone, the General Rural Residential regulatory zone, and General Rural regulatory zone as described in Chapter 110; and any residential zone described in Reno Municipal Code Title 18 and Sparks Municipal Code Title 20

20. "Security guard" includes a person, who acts as a doorman or bouncer or performs any function to secure or protect any interests of an adult interactive cabaret on premises or in an escort capacity.

21. "Specified anatomical areas" includes the following areas of the human body:

(a) Any less than completely and opaquely covered:

- (1) Human genitals;
- (2) Pubic region;
- (3) Buttocks; and
- (4) Female breast below a point immediately above the top of the areola.

(b) Male genitals in a discernibly turgid state, even if completely and opaquely covered.

22. "Specified sexual activities" includes:

(a) Human genitals clearly in a state of sexual stimulation, arousal, or tumescence;

(b) Acts of actual or simulated human masturbation, oral copulation, anal oral copulation, sexual intercourse, bestiality, flagellation or torture in the context of a sexual relationship, use of excretory functions in the context of a sexual relationship or sodomy; any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;

(c) Fondling or erotic touching of any human genitals, pubic region, buttocks, anus or female breast; or erotic lewd touching, fondling or other contact with an animal by a human being; and

(d) Any of the following: use of human or animal coitus or ejaculation, masochism, sadism, beating or infliction of pain; human excretion, urination, menstruation, vaginal or anal irrigation.

25.049 Findings; purpose of sections 25.047 to 25.056, inclusive

1. In adopting sections 25.047 to 25.056, inclusive, the board of county commissioners recognizes and finds that the regulation of adult characterized businesses is necessary because of the material or entertainment presented to patrons of such establishments:

(a) Have serious, objectionable operational characteristics, particularly when several of such establishments are concentrated in an area under such conditions as to have a deleterious effect upon adjacent areas.

(b) Tend to be places where certain criminal activities such as solicitation of prostitution, illegal narcotics transactions and violation of liquor-laws can more easily occur.

- (c) Require regulation to protect the patrons and employees of such establishments.
 - (d) Are not compatible with residential and civic uses that are frequented by minors.
 - (e) Tend to be locations where the potential for the transmission of sexually transmitted diseases is high.
2. It is the purpose of sections 25.047 to 25.055, inclusive, to:
- (a) Adopt specific licensing requirements for adult characterized businesses;
 - (b) Place locational restrictions on these establishments;
 - (c) Provide for a safe, healthy and aesthetically pleasing atmosphere for residents and visitors to the area;
 - (d) Insure that the effects of adult characterized businesses will not be experienced by minors;
 - (e) Mitigate the effect of adult characterized businesses on surrounding neighborhoods which can result in blight and reduced property values;
 - (f) Prevent the clustering of adult characterized businesses in any one area;
 - (h) Limit the spread of sexually transmitted diseases and the commission of public offenses such as prostitution, and trafficking in illegal narcotics;
 - (i) Address the serious secondary effects of adult characterized businesses such as low level maintenance of commercial businesses and parking lots; and the interference with the enjoyment of residential lots due to noise, vandalism, crime and litter.
3. Sections 25.047 to 25.056, inclusive, are not adopted for the purpose of regulating the content of the material sold to or observed by the patrons of such establishments or entertainment.

25.051 License required; additional requirements; appeal of denial of license.

1. It is unlawful for any person to commence operating an establishment as an adult characterized business without first applying for and obtaining a license therefor pursuant to this chapter and complying with the specific requirements of sections 25.047 to 25.056, inclusive.
2. A license issued to an adult characterized business is not transferable to another location.
3. A license issued to an adult characterized business may not be transferred to another business or licensee. A new application shall be required for a new owner or operator.
4. In addition to the requirements for the issuance and renewal of a business license enumerated in this chapter, the following are required before a license shall be issued or renewed for an adult characterized business:
- (a) The applicant or applicants must disclose in writing whether the applicant or anyone having a ten percent or more ownership interest in the business or proposed business has;
 - (1) Ever had a business license denied, revoked or charges filed therefor, and if so, the application shall state the name of the business, date, jurisdiction, and outcome of any hearing;
 - (2) Ever owned or operated an adult characterized business or brothel and if so, the name of the business and address, dates involved and position of interest therein; and
 - (3) Been convicted within ten years of application or renewal of any crime as listed in Chapter 30, section 30.160, subsection 2 (a) (1) through (3), (6) and (7) or

subsection (b) through (f) and (i); and, if so, the application shall state the person involved, the charge, date, court and disposition of the charges.

(b) The applicant or applicants must disclose in writing:

(1) The names and addresses of all persons owning an interest in the business, including the name and address of the general manager or managers of the business; and

(2) The percentage of ownership of all owners.

(c) If a corporation, the following shall be provided in writing:

(1) The names and addresses of all persons, corporations or their nominees who own, directly or indirectly, ten (10%) percent or more interest of the stock of such corporation; and

(2) The names and addresses of the officers and directors of the corporation.

5. The license division shall and, upon request of the license division, the sheriff may conduct an investigation of suitability. The following persons are declared unsuitable for the issuance of a license for an adult characterized business:

(1) A persons convicted of any of the crimes listed in Chapter 30, section 30.160, subsection 2 (a) (1) through (3), (6) and (7); or

(2) A person meeting the criteria of Chapter 30, section 30.160, subsection 2 (b) through (f) and (i).

6. Upon receipt of a completed application for a business license, the license division shall direct each owner of an adult characterized business, and each officer and director of a corporation listed as an owner of an adult characterized business identified by the licensing division to present himself/herself to the sheriff to have taken thumb and fingerprint impressions. The sheriff shall submit said impressions to the central repository for Nevada records of criminal history or the Federal Bureau of Investigation to determine if a criminal history record exists for the applicant(s). Upon receipt of a reply from the central repository for Nevada records of criminal history or the Federal Bureau of Investigation, the sheriff shall transmit said reply to the license division. The sheriff may impose a reasonable fee for fingerprinting and all charges by the State or Federal Bureau of Investigation to carry out the provisions of this section.

7. In the case of a corporate licensee, any change in the officers, directors or stockholder or stockholders owning in the aggregate more than ten (10%) percent of the stock of such corporation shall be reported to the license division within 30 days after the appointment of election of such officers and directors or acquisition by any such stockholder or stockholders, as the case may be, and such officers, directors and stockholder or stockholders may be required to qualify for a business license for an adult characterized business.

8. An application for an adult characterized business shall be finally approved or denied by the license division within ninety (90) days of the receipt of a complete business license application. Prior to the final issuance or denial of an application, the license division may issue a temporary license to be in effect for no more than ninety (90) days. At its discretion, the license division may grant one thirty (30) day extension of the temporary license. If the application is denied, the reasons for denial shall be provided to the applicant in writing.

9. An applicant who is denied a business license to operate an adult characterized business may appeal the decision by the licensing divisions to the board of county

commissioners by filing an appeal with the clerk of the board within thirty (30) days of the date that the application was denied.

(1) Failure to appeal the decision of the license division within the thirty (30) days constitutes an admission that the decision is well founded and precludes further administrative review.

(2) An appeal hearing shall be scheduled within forty-five (45) days of receipt of the appeal.

(3) After receiving testimony from the appellant and any other interested party, the board of county commissioners shall render a decision affirming or reversing the license division's denial within thirty (30) days of the appeal hearing. The board of county commissioners' decision shall be provided in writing to the appellant and the license division.

(4) Any applicant aggrieved by the decision of the board of county commissioners may seek judicial review thereof.

10. Separate and additional licenses may be required including, but not limited to those in this chapter and Chapter 30.

25.053 Location of certain adult characterized businesses: Restrictions; exceptions.

1. Except as provided in subsection 4, it is unlawful to commence operating an adult bookstore, adult drive-in theater, adult hotel or motel, adult interactive cabaret, adult motion picture arcade, adult motion picture theater, or model studio within 1,000 feet or less of any public or private kindergarten, elementary school, junior high school, middle school, high school, college, university; commercial day-care center; public park or recreational area; church or religious educational center; civic building in which the public frequents; or other adult characterized business. Any out call entertainment referral service that has out call entertainment patrons meeting with out call entertainers at the business location of the service is subject to the same location restriction enumerated in this section.

2. Except as provided in subsection 4, an adult characterized business enumerated in subsection 1 may only be located in the following regulatory zoning categories:

(a) General Commercial (GC); Tourist Commercial (TC) and Industrial (I).

(b) Notwithstanding the provisions of subsection (a), no adult characterized business enumerated in subsection 1 may be located within five hundred (500) feet of a residentially zoned area, or of an establishment holding an unlimited gaming license.

(c) Notwithstanding the provisions of subsection (a) or (b), no adult characterized business enumerated in subsection 1 may be located on a parcel which abuts a freeway, expressway, major or minor arterial roadway.

3. For purposes of this section, the measurement between the adult characterized business enumerated in subsection 1 and the affected use enumerated in subsection 1 and regulatory zones and uses identified in subsection 2 (b) shall be a straight line without regards to intervening structures. The measurement shall be between the property line of the affected use and the edge of the building housing the adult characterized business that is nearest an affected use, even if the adult characterized business does not occupy the entire building in which it is located.

4. The limitation contained in subsection 1 and 2 (b) may be waived by the board of county commissioners in the following manner:

(a) A person requesting a waiver shall file a written application therefore with the county clerk. The application shall specify:

- (1) The type of establishment which is the subject of the request;
- (2) The proposed street address of the establishment;
- (3) The nature of the material or entertainment which are proposed to be offered to or observed by patrons of the establishment; and

(4) A map prepared and certified by a registered land surveyor or civil engineer notating the distance between the building proposed to house the adult characterized business and any affected uses enumerated in subsection 1 and regulatory zones, uses and streets identified in subsections 2 (b) and 2 (c).

(b) Upon receipt of the waiver application, the county clerk shall fix a date for a public hearing before the board of county commissioners within forty-five (45) days of receipt of the waiver application on whether the waiver should be granted.

(c) At the time of fixing the public hearing date, the county clerk shall provide notice of the hearing to the applicant, all owners of property within five hundred (500) feet of the boundaries of the property on which the adult characterized business is proposed to be established, any affected citizens' advisory board and shall publish at least 2 times per week for 2 weeks next preceding the date fixed for the hearing in a newspaper of general circulation published in the county.

(d) At the hearing, the board shall receive all relevant evidence presented by the person applying for the waiver and by other interested persons to determine whether granting the waiver would tend to produce any of the effects set forth in subsection 1 of section 25.049.

(e) At the close of the hearing, the board shall consider all of the evidence presented and determine whether the waiver should be granted and its determination shall be entered in the board's minutes.

(f) If a waiver is denied, the board shall, within 10 days of the date on which the hearing was held, notify the person applying for the waiver of that fact and specify the reasons for the denial in writing.

25.0531 Structure housing adult characterized business; general restrictions; exception.

1. The provisions of this section apply to all structures housing an adult characterized business and adult drive-in theater.

2. No product, picture, photograph, graphic or other representation identifying the products, entertainment or entertainers provided within shall be visible from a street or be located on the exterior of a structure housing an adult characterized business.

3. A sign or signs complying with the provisions of Chapter 110, Article 504 which identifies the name and address of an adult characterized business is permitted.

4. Lighting outside of the structure housing an adult characterized business shall be designed to minimize criminal activity and vandalism, and to provide for the safety of patrons. A minimum of 1 foot candle of light on the sidewalk and parking area adjacent to and serving the adult characterized business shall be required.

5. All doors to public areas located within the adult characterized business shall remain unlocked during the entire period in which the business is open to the public.

6. A permanent barrier shall be erected in front of each door leading into an adult characterized business to prevent the viewing of the interior when a door is opened.
7. No door or window leading into an adult characterized business may be propped open during the entire period in which the business is open to the public.
8. All windows shall have an opaque covering that prevents viewing into the interior of an adult characterized business.
9. No loudspeaker or other amplified sound system may be installed on the exterior of a structure housing an adult characterized business that transmits sounds from the interior of the adult characterized business or advertises the adult characterized business.
10. Suitable sound absorbing material shall be installed on the interior of an adult characterized business to minimize the internal sound from affecting adjacent uses and properties.
11. Separate restrooms for male and female patrons and employees shall be required, a restroom devoted to use by one sex may not be occupied/used by the other sex except for the purpose of cleaning and maintenance.
12. A site plan shall be submitted with each application for a license to commence operation of an adult characterized business. The site plan shall identify, to scale, the following:
 - (a) All internal uses of the business;
 - (b) The signage proposed for the business and its location on the structure;
 - (c) All properties within one thousand (1000) feet of the structure proposed to house an adult characterized business and the current uses located on those properties and the regulatory zoning of those properties.
13. No portable structure may be used to house an adult characterized business.
14. No alteration to a structure housing an adult characterized business that affects the size or use of the adult characterized business may occur unless notification and approval of the licensing authority occurs first.
15. No adult characterized business may operate more than seventeen (17) hours in any twenty-four (24) hour period. A waiver may be granted by the board of county commissioners after following the procedures in section 25.053, subsection 4.
16. The following is not considered a structure housing an adult bookstore:
 - (a) The floor area devoted to material defined in Section 25.047, subsection 1, does not exceed seven (7%) percent of the total display or retail floor area or 200 square feet, of the business, whichever is less;
 - (b) The material defined in Section 25.047, subsection 1, is available only for sale or lease for private use by the purchaser or lessee outside of the premises of the business;
 - (c) The floor area devoted to material defined in Section 25.047, subsection 1, is segregated by partition, separate internal entrance, or otherwise obscured from casual observance by minors;
 - (d) The floor area devoted to material defined in Section 25.047, subsection 1, is clearly signed to prohibit access by minors;
 - (e) The floor area devoted to material defined in Section 25.047, subsection 1, is adequately staffed or otherwise controlled to assure monitoring of minors who may seek access to floor area;

(f) The business in which said floor area is located does not advertise itself or hold itself out to the public in any way as being an adult characterized business, whether by window displays, signs, or other means;

(g) The business cannot be defined as an adult characterized business; and

(h) The business cannot be combined with any other area or business to result in an increase in the floor area devoted to this activity beyond the maximum specified in (a) above.

25.0533 Persons working for an adult characterized business required to have work card and exception to obtaining work card; approval of work card; grounds for denial, revocation or suspension of work card; appeal to internal review board; appeal to board of county commissioners.

1. No person, except a person licensed pursuant to section 25.051, shall work at or in an adult characterized business in any capacity without a valid work card issued pursuant to this section, except for those persons who have no contact with the public.

2. The sheriff or his designee shall review the application for a work card for a person intending to work or working in an adult characterized business and shall approve or deny the application.

3. A work card may be denied, revoked or suspended for the following reasons:

(a) Failure to disclose, misstate or otherwise attempt to mislead the sheriff with respect to any material fact contained in the application for issuance of the work card.

(b) Conviction of committing, attempting or conspiring to commit:

- (1) Any crime where larceny is an element of the offense;
- (2) Receiving or possessing stolen property;
- (3) Embezzlement;
- (4) Prostitution;
- (5) Lewd or lascivious behavior.

(c) Conviction of any felony or gross misdemeanor or a crime in another state which, if committed in the State of Nevada, would be punishable as a felony or gross misdemeanor.

(d) Presenting a threat or danger to the safety and welfare of the public.

(e) Violation of any provision of Section 25.047 through 25.056, inclusive.

4. If a work card is denied by the sheriff, the applicant shall be advised in writing of the reason or reasons therefor and may appeal that decision in writing to the internal review board not later than fourteen (14) days after receiving the reason for the decision. A failure to appeal the decision of the sheriff within fourteen (14) days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

5. Upon an appeal being filed, the internal review board shall, within thirty (30) days, hold a hearing in accordance with procedures established by the sheriff.

6. The internal review board may take any testimony and evidence it deems necessary. All proceedings shall be conducted according to the provisions of NRS Chapter 241.

7. The internal review board shall, upon completion of its review, announce its decision sustaining, reversing or reversing with conditions the decision of the sheriff.

8. The decision of the internal review board shall be transmitted in writing within five (5) working days to the applicant and, in the event of a denial of the appeal, set forth the reasons for the denial.

9. If a work card appeal is denied by the internal review board or if an applicant disagrees with any condition imposed by the internal review board on a decision to issue a work card, the applicant may appeal the decision or condition in writing to the board of county commissioners within fourteen (14) days of receipt of the written decision of the internal review board.

10. A failure to appeal the decision of the internal review board within fourteen (14) days of the written decision or the applicant's request for and acceptance of a work card with conditions prior to the appeal time running constitutes an admission that the decision of or condition imposed by the internal review board is well founded and precludes further administrative or judicial review.

11. Upon an appeal being filed, the board of county commissioner shall hold a hearing to review the decision made by the internal review board and the reason for reasons therefor. At the hearing, the board shall take any testimony and evidence deemed necessary. After the hearing, the board shall review the testimony and evidence and shall, within thirty (30) days from the date of the hearing, announce its decision sustaining or reversing the decision of the internal review board.

12. The decision of the board of county commissioners constitutes a final administrative decision for purpose of judicial review.

25.0535 Work cards; term; scope of work allowed; expiration of work card upon change of place of address or cessation of employment.

1. If an application for a work card is approved, the sheriff shall issue a work card which has a term of five (5) years from the date of issuance.

2. A work card issued pursuant to 25.0533 shall include the full legal name, current address, physical description and a photograph of the card holder. The card must be kept in the personal possession of the card holder and show upon request of a peace officer.

3. A work card issued pursuant to 25.0533 is valid only for work in an adult characterized business.

4. A work card automatically expires:

(a) If not renewed within ten (10) days after a change of home address;

(b) If the card holder is not employed in an adult characterized business for a period of more than ninety (90) consecutive days.

25.0537 Work card renewal, replacement, service charge.

1. A person desiring a renewal of a work card must pay a nonrefundable service charge to defray any of the sheriff's expenses of reinvestigating the holder's background.

2. If, in the opinion of the sheriff, the card holder requires fingerprinting before the renewal of a work card, the applicant must pay an additional service charge established by the sheriff for the fingerprinting.

3. A person desiring a replacement of a work card must pay a nonrefundable service charge to defray the sheriff's expenses of reproducing the work card. A replacement work card shall expire on the same date as the work card it replaces.

25.0539 Review of holders of work cards, refusal to renew, suspension, revocation, appeal of suspension or revocation, notices to employer.

1. The holder of a work card is subject to review at any time for continued compliance with the provisions of sections 25.047 through 25.056, inclusive.

2. The sheriff may refuse to renew a work card, and that work card may be suspended or revoked by the sheriff any time when it appears to the satisfaction of the sheriff that:

(a) The holder of the work card has been convicted of an offense of such a nature as to cause the sheriff to conclude that such a person is no longer a suitable or qualified person for employment under the provisions of sections 25.047 through 25.056, inclusive.

(b) The holder of the work card has made a false statement in his application for a work card.

(c) The holder of the work card is no longer a suitable person to hold a work card, after due consideration by the sheriff of the proper protection of the public health, safety, morals and good order and the general welfare of the inhabitants of the county.

3. A person whose work card has not been renewed or whose work card has been suspended or revoked by the sheriff may appeal to the internal review board and the board of county commissioners in exactly the same time and manner set for the in section 25.033.

4. If the sheriff has a reasonable suspicion that a holder of a work card has done an act or omission within subsection 2, he may notify the current employer of the holder.

25.055 Adult interactive cabaret; records; retention of records; work card required and performers and workers as employees; prima facie evidence; prohibited activities; restrictions; licensee's responsibility.

1. For purposes of obtaining and retaining a license to operate an adult interactive cabaret, the licensee must have available at all times, for presentation, upon request of any law enforcement officer or other authorized county employee, the following information for or relative to each person conducting business upon the premises of the licensee:

(a) Current, valid work card, except the licensee who is exempt from obtaining a work card;

(b) Full legal name, current address and telephone number, date of birth, and social security number;

(c) A work schedule, showing hours currently worked during the calendar month and any hours worked which were not scheduled;

(d) A daily summary of remuneration of any kind earned by every performer while on the premises, from whatever source derived;

(e) A record of any payments made by each performer to the licensee, his/her agents, employees or others;

(f) A record of any benefits or gratuities provided to any performer by the licensee, his/her agents, employees or others.

2. Each record enumerated in subsection 1 shall be maintained by the licensee for a period of three (3) calendars years.

3. The licensee must ensure that all persons working or providing services upon the premises have a valid work card except for those persons who have no contact with the public. All persons working on the premises shall be employees of the licensee; no independent contractor or subcontractor may be employed as a performer or other worker without permission of the license division.

4. It shall be prima facie evidence that a business is an adult interactive cabaret when one or more employees is present in such attire, costume or clothing so as to expose to view specified anatomical areas.

5. The following activities are prohibited:

(a) The display, exposure or suffering of public display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area or anus in a lewd and obscene fashion; and

(b) The representation or implication that any beverage which contains less than one-half of one percent of alcohol by volume is liquor, beer, wine, spirits, gin, whiskey, champagne, cordials, ethyl alcohol, rum or any form thereof and sell same to the person to whom the claim, representation or implication was made. Any beverage sold in an adult interactive cabaret which does not have a liquor license shall be delivered to the patron in the container with the alcoholic content, if any, clearly imprinted on the label in letters no less than three-sixteenths (3/16") inch high.

6. The following restrictions apply to an adult interactive cabaret:

(a) No person, firm partnership, corporation or other entity shall advertise, or cause to be advertised, as an adult cabaret without a valid license issued pursuant to this chapter;

(b) No later than the fifteenth day of the month succeeding the annual license period, an adult cabaret licensee shall file a verified report with the license division showing any amount the licensee, its agents, assigns, heirs, employees, partners, shareholders, subsidiaries or spouses paid to dancers for the preceding period.

(c) An adult interactive cabaret licensee shall maintain and retain for a period of three (3) years the legal names and aliases, addresses, identifying information and ages of all persons performing on the premises.

(d) No adult interactive cabaret licensee shall allow a performer, who is under the age of eighteen (18) years, to perform or remain upon the premises.

(e) No adult interactive cabaret licensee shall serve, sell, distribute or allow the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, upon the premises of the licensee without a valid liquor license.

(f) An adult interactive cabaret licensee shall conspicuously display its licenses as required by this chapter.

(g) The following restrictions apply to dance areas:

(1) Dance areas must not be obscured by any design feature or artificial barrier that restricts view from the common areas, including, but not limited to curtains, doors, screens, and staircases.

(2) All areas where dancing occurs must be open to public access.

(3) The dance area must be a minimum of eighteen (18") inches above the floor occupied by patrons.

(4) A fixed rail, a minimum of thirty (30") inches in height, shall be installed between the dance area and the area occupied by patrons.

(5) A continuous aisle a minimum of six (6') feet in width, shall be maintained between the dance area and the area occupied by patrons.

(6) No movable stages are permitted.

(7) No private booths or dance areas shall be installed for the private viewing by individual patrons of performers.

(h) Access for performers to their dressing rooms that is distinct and separate from the area occupied by patrons shall be maintained during business hours.

(i) Separate dressing rooms for each gender of performers shall be provided exclusively for that gender.

(j) A separate entrance/exit to the business for the use of performers shall be maintained which shall not be used by patrons.

(k) The following restrictions apply to performers:

(1) At no time will a performer expose any portion of their pubic region, genitals, vulva and/or anus to view, nor shall a male performer appear in a discernibly turgid state, even if completely and opaquely covered.

(2) At no time will a performer or patron touch the other's genitals, breast, anus or pubic area.

(3) Performers will not use any device, inanimate object or animal to simulate any sexual acts such as masturbation, intercourse or buggery.

(4) Performers at no time shall agree to act, or act, as escorts for money or solicit prostitution in any form on the premises of a licensed establishment.

(5) Performers are not permitted to leave the business with any patron in exchange for any gift or compensation.

(6) No out call dancing is permitted from an interactive cabaret.

(7) Performers will remain on the premises of the business for their entire scheduled shift. Performers will only leave the business with the approval of the on-duty manager who shall record the reason for the departure.

(8) Lap dancing or straddle dancing whereby a performer sits upon the lap of a patron and couch dancing whereby a performer moves between a patron's legs are specifically prohibited.

(l) The adult interactive cabaret shall maintain a schedule of all performers on duty at all times during business hours. The schedule shall be made available to law enforcement on demand and shall contain the dancers' real and stage names, and their scheduled arrival and departure times.

(m) Any adult interactive cabaret which does not have a liquor license issued by the county and which uses the words that imply the availability of alcohol on the premises, such as "bar", "lounge" or "saloon" in any advertisement or name, must state in all such advertisements that alcoholic are not sold or allowed on the premises. In addition, the establishment shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar, a sign with letters not less than three inches high stating:

"ALCOHOL IS NOT SOLD HERE"

All adult interactive cabarets shall post at the entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and

in at least three places behind the bar, a sign with letters not less than three inches high stating:

“Prostitution or the Solicitation of Prostitution IS UNLAWFUL”

The letters for each sign must be black on yellow background and the sign at each entrance door and behind the bar must be between four and six feet above floor level. Each sign must be located and illuminated sufficiently to be read by a person with normal eyesight or eyesight corrected to 20/20, 30 feet from the sign.

(n) No adult interactive cabaret shall employ a security guard, or other persons employed to prevent disturbances, to work on the premises unless such person(s) have obtained a work permit. No security guard or other person employed to prevent disturbances shall carry firearms, night sticks, clubs or electronic weapons.

(o) Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by the patrons so that all objects are plainly visible at all times to afford visual identification of objects and persons. There shall be a presumption of sufficient lighting when, on any part of the premises which is open to and used by patrons, a program, menu or list printed in eight-point type will be readable.

7. The following are the responsibility of the licensee:

(a) It is the intent of Washoe County to make an adult cabaret licensee responsible for conduct occurring on the business premises and to ensure that a licensee will act as the eyes and ears of government for purposes of noticing and correcting violations of this chapter to ensure the safety and well being of its patrons.

(b) It is the duty of the licensee to reasonably prevent disturbances, fraudulent acts, prostitution and the solicitation of prostitution, and violations of the adult interactive cabaret regulations as defined in sections 25.049 through 25.056, inclusive, upon the licensed premises. The holder of a business license to operate an adult interactive cabaret is responsible for the acts of any employees and independent contractors or subcontractors, while on the licensed premises or while acting as an agent for that business, including but not limited to attendants servers, security personnel, managers and performers.

(c) In the event violations of this chapter are observed upon the premises, the licensee may be issued a notice of violation by law enforcement officials or other authorized persons. Upon receipt of a third such notice within a ninety (90) day period, the business license for the business must be reviewed by the board of county commissioners or their designee, who shall hear any testimony from the licensee or its representatives, at a duly noticed meeting and may recommend license suspension or revocation proceedings.

25.0551 Out call entertainment; restrictions on hiring; work card required and additional reasons for denial/revocation; records; advertising; restrictions; responsibility of licensee

1. No out call entertainer shall:

(a) Provide to an out call entertainment patron entertainment which may contribute to the delinquency of a minor if the patron is less than 18 years of age;

(b) Commit an act of prostitution; or

(c) Solicit any fee, gratuity or tip from any out call entertainment patron in addition to the basic entertainment fee.

2. An out call entertainer shall be required to obtain a work card. In addition to the grounds that a work permit may be denied or revoked pursuant to section 25.0533, the following grounds may be considered for denial or revocation:

- (a) Conviction of a crime of prostitution or any other crime of sexual misconduct;
- (b) Commission of a criminal act while providing services to an out call entertainment patron; or
- (c) Is less than 21 years of age.

3. A record shall be kept by every licensee under this chapter showing every transaction whereby any out call entertainer is employed, furnished or arranged for on behalf of any patron or customer, hour of the transaction, the name of the patron or customer, the address and telephone number of the entertainment location, the name of each out call entertainer involved, the fee charged per hour to the patron, the total fee charged each patron, the amount paid the out call entertainer, the amount retained by the licensee, and such other information as the license division may reasonably require by rule or regulation. Such record shall be available and open to inspection by any duly authorized representative of the county at any time and shall be presented before the board of county commissioners at any time upon written request therefor.

4. The following restrictions on advertising apply:

(a) No person shall advertise or cause to be advertised an out call entertainment referral service without first obtaining and thereafter maintaining a valid license pursuant to this chapter.

(b) No licensee, manager, subcontractor, independent contractor or employee of an out call entertainment referral service shall, in any manner, either directly or indirectly:

(1) Advertise, display or disseminate:

- (i) In any newspaper, magazine or other publication, or
- (ii) By radio or television broadcasting, or
- (iii) By telephone directory, or
- (iv) By telephone, fax or Internet, or

(v) By handbill, pictorial, representation or other advertising any information or illustrations or pictures of any person or object that contain any statement which implies or suggests to a reasonable, prudent person or would give the public a basis to infer or believe that prostitution or any other illegal act product or service is offered or provided by and business licensed under this chapter.

(2) Advertise in any manner set forth in subsection (1) of this subsection any statement which implies or suggests to a reasonable, prudent person or would give the public a basis to infer or believe that out call entertainers have been medically examined or are free from contagious diseases.

5. The following restrictions are imposed on out call entertainment:

(a) No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, and an out call business without a valid license issued pursuant to this chapter.

(b) No later than the fifteenth day of the month succeeding the annual license period, an out call licensee shall file a verified report with the license division showing any

amount the licensee, its agents, assigns, heirs, employees, partners, shareholders, subsidiaries or spouses paid to out call entertainers for the preceding annual period.

(c) An out call entertainment licensee shall maintain and retain for a period of three years the legal names and aliases, addresses, identifying information and ages of all persons employed by the licensee.

(d) No out call entertainment licensee shall employ a person who is under the age of twenty-one (21) years, or a person who does not have a valid work permit or business license.

(e) No out call licensee shall serve, sell, distribute or suffer the consumption possession of any intoxicating liquor, or any beverage represented as containing any alcohol, during the course of the contract with an out call entertainment patron without a valid liquor license.

(f) An out call licensee shall conspicuously display all licenses required by this chapter at the office of the licensee.

(g) At no time will a licensee or employee of a licensee expose any portion of their pubic region, genitals, vulva and/or anus to view, nor shall a male licensee or employee appear in a discernibly turgid state, even if completely and opaquely covered, except in a private residence. This shall include all entertainment locations defined in section 25.047 or any locations to which the public has access.

(h) Licensees or their employees will not work if grossly intoxicated or under the influence of any controlled substance.

(i) No licensee or employee shall fondle or caress any patron, and no patron shall fondle or caress any out call entertainer. At no time will a licensee or employee touch either's genitals, breast, anus or pubic area.

(j) Licensee or employees will not simulate any sexual acts with a patron or use any artificial device or inanimate object, animal or simulation thereof, to simulate the same.

(k) Licensees or employees at no time shall make dates with out call entertainment patrons while performing or solicit prostitution in any form.

(l) The out call licensee shall maintain at all times during the open hours a schedule of list of all employees. This schedule or list shall list all employees on duty and their shift times. The list shall be made available to law enforcement on demand.

(m) No out call licensee shall employ a body guard, runner, security guard, or other persons employed to prevent disturbances, handle money, or act as an escort unless such person(s) have obtained a work permit pursuant to section 25.0533.

(n) Lap dancing or straddle dancing whereby a performer sits upon the lap of a patron and couch dancing, or any other location where similar activity may occur, whereby a performer moves between a patron's legs are specifically prohibited, unless the following regulation is adhered to: no licensee or employee shall fondle or caress any out call entertainment patron and no patron shall fondle or caress any licensee or employee during or while performing.

6. The following are responsibilities of an out call entertainment licensee:

(a) The holder of a license for an out call entertainment service is responsible for the acts of its employees and independent contractors or subcontractors, including but not limited to attendants, servers, security personnel, managers and performers. A license for an out call entertainment service may be revoked for act of such agent, employee or subcontractor which violates any provision of this chapter. It is the duty of the licensee

to prevent disturbances, fraudulent acts, prostitution and the solicitation of prostitution, and violations of the out call entertainment regulations as defined in sections 25.049 through 25.056, inclusive.

(b) The owners or operators of any out call entertainment service shall ensure that all independent contractors and subcontractors, including but not limited to attendants, servers, security personnel, managers and performers shall have a current business license and work permit prior to contracting for their services. The owner/operators shall keep a copy of each individual business license and work permit on file for every independent contractor or subcontractor no action as a regular employee.

25.0553 Adult motion picture arcade; restrictions.

In addition to the restrictions enumerated in sections 25.049 through 25.056, inclusive, the following shall be required to operate an adult motion picture arcade:

1. Enclosures may not exceed four feet in height at any point; and shall be configured in such a manner that there is an unobstructed view from a manager's station to the interior of the viewing area; and must have a minimum opening of 36 inches. Such opening may not be blocked at any time by a door, wall, curtain or other partition.

2. A minimum one-quarter (1/4") inch solid barrier shall be constructed between each viewing area.

3. No more than one person may use an individual viewing area at any one time. A sign no less than two (2") inches in height shall be posted above the entrance to each enclosure stating the following:

NO MORE THAN ONE PERSON MAY OCCUPY THIS ENCLOSURE

25.0555 Adult bookstore; restrictions.

In addition to the restrictions enumerated in sections 25.049 through 25.055, inclusive, the following shall be required to operate an adult bookstore: the public area shall be lighted with a minimum of 30 foot candle lighting when measured five (5') feet from the floor.

25.0557 Adult revue; restrictions.

Adult revues shall comply with the following provisions:

1. 25.055 (5),
2. 25.055 (6) (g), (h), (i), (j), (k) (1) through (5) and (8), (o), and
3. No out call dancing is permitted from an adult revue.

25.056 Nonconformance.

1. All adult characterized businesses legally established prior to the effective date of this ordinance which do not comply with the provisions of sections 25.049 through 25.055, inclusive, shall be deemed nonconforming and may continue to operate provided, however, that any pre-existing adult business will further be subject to the provisions of subsection 2. No legally established adult business shall be deemed nonconforming solely by virtue of the subsequent creation or expansion of any other use or regulatory zone.

2. An adult characterized business licensee not in conformance with the provisions of sections 25.049 through 25.055 shall have a period of one (1) year from the date of the adoption of amendments to 25.049 through 25.055 to conform to the requirements enumerated below unless, by application to the board of county commissioners, a further time is allowed by the board of county commissioners based upon undue hardship.

(a) For an adult bookstore, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533, subsection 1; section 25.0553, if an adult motion picture arcade is located on the business premises; and section 25.0555.

(b) For an adult interactive cabaret, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533; and section 25.055.

(c) For an adult out call entertainment service, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533; and section 25.0551.

(d) For an adult motion picture arcade, compliance with section 25.051, subsections 4 through 7; section 25.0531; section 25.0533; and section 25.0553.

(e) For all other adult characterized businesses, compliance with section 25.051, subsections 4 through 7; and section 25.0531; and section 25.0533.