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STATE OF NEVADA  
COUNTY OF WASHOE

ss. Tana Ciccotti

JUL 28 2000

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

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:

July 19, 26, 2000


Signed *T. Ciccotti*

Subscribed and sworn to before me this

JUL 26 2000

*Susan V. Dummer*  
Notary Public

SUSAN V. DUMMAR  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 98-4006-2 - Expires August 17, 2002



NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE  
NO. 1098

NOTICE IS HEREBY GIVEN THAT: Bill No. 1274, Ordinance No. 1098 entitled AN ORDINANCE TO AMEND CHAPTER 25, BUSINESS LICENSES, BY CHANGING THE TITLE OF THE SECTION TO "ADULT CHARACTERIZED BUSINESSES"; AMENDING SECTION 25.051, LICENSE REQUIRED; ADDITIONAL REQUIREMENTS; APPEAL OF DENIAL OF LICENSE, TO REQUIRE EACH OWNER, OFFICER OR DIRECTOR TO HAVE THUMB PRINTS TAKEN WITHIN FOURTEEN DAYS OF NOTIFICATION OF RECEIPT OF COMPLETE APPLICATION, TO REQUIRE A LICENSE TO BE ISSUED WITHIN 30 DAYS OF RECEIPT OF COMPLETED APPLICATION, TO PERMIT A TEMPORARY LICENSE TO BE IN EFFECT FOR UP TO 120 DAYS, TO CHANGE THE PERIOD FOR FILING AN APPEAL TO THE BOARD OF COUNTY COMMISSIONERS OF A DENIAL OF A LICENSE TO 15 DAYS, TO CHANGE THE PERIOD IN WHICH FAILURE TO APPEAL THE DENIAL OF LICENSE PRECLUDES FURTHER ADMINISTRATIVE REVIEW TO 15 DAYS, TO CHANGE THE PERIOD IN WHICH AN APPEAL OF A DENIAL OF A LICENSE WILL BE SCHEDULED TO THE NEXT AVAILABLE BOARD OF COUNTY COMMISSIONERS' MEETING AND NO MORE THAN 30 DAYS AFTER FILING THE APPEAL, TO EXTEND THE PERIOD THAT A TEMPORARY LICENSE IS IN EFFECT DURING AN APPEAL PERIOD TO THE DATE THAT THE BOARD OF COUNTY COMMISSIONERS TAKES FINAL ACTION, TO ADD A REQUIREMENT THAT THE REASONS FOR DENIAL OF A LICENSE BY THE BOARD OF COUNTY COMMISSIONERS SHALL BE PROVIDED IN WRITING TO THE APPELLANT WITHIN 14 DAYS OF THE BOARD OF COUNTY COMMISSIONERS' ACTION, TO PROVIDE FOR AN EXPEDITED JUDICIAL REVIEW OF A DENIAL OF A LICENSE BY THE BOARD OF COUNTY COMMISSIONERS AND FILING FOR SAID REVIEW WITHIN 30 DAYS OF THE BOARDS' ACTION AND FOR AN EXPEDITED BRIEFING REVIEW BEFORE THE COURT IF NO TEMPORARY LICENSE HAS BEEN ISSUED WHICH SHALL NOT EXCEED 30 DAYS; AMENDING SECTION 25.053 LOCATION OF CERTAIN ADULT CHARACTERIZED BUSINESSES; RESTRICTIONS; EXCEPTIONS, TO DELETE THE PROHIBITION ON PARCELS ABUTTING FREEWAYS, EXPRESSWAYS, MAJOR OR MINOR ARTERIAL ROADWAYS; AMENDING SECTION 25.0553 ADULT MOTION PICTURE ARCADE; RESTRICTIONS, TO PERMIT THE PARTIAL ENCLOSURE OF BOOTHS AND TO DEFINE THE HEIGHT AND WIDTH OF THE BOOTH AND THE EXTENT THAT THE ENCLOSURE CAN OBSCURE THE INTERIOR OF THE BOOTH, AND OTHER MATTERS PROPERLY RELATING THERETO was adopted on July 11, 2000, by Commissioners Joanne Bond, Jim Galloway, Pete Sferrazza, Jim Shaw, and Ted Short and will become effective on Friday, July 28, 2000.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY  
Washoe County Clerk

No.2686 July 19, 26, 2000

F PUBLICATION



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

BILL NO. 1274

ORDINANCE NO. 1098

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING CHAPTER 25, BUSINESS LICENSES, BY CHANGING THE TITLE OF THE SECTION TO "ADULT CHARACTERIZED BUSINESSES"; AMENDING SECTION 25.051, LICENSE REQUIRED; ADDITIONAL REQUIREMENTS; APPEAL OF DENIAL OF LICENSE, TO REQUIRE EACH OWNER, OFFICER OR DIRECTOR TO HAVE THUMB PRINTS TAKEN WITHIN FOURTEEN DAYS OF NOTIFICATION OF RECEIPT OF COMPLETE APPLICATION, TO REQUIRE A LICENSE TO BE ISSUED WITHIN 30 DAYS OF RECEIPT OF COMPLETED APPLICATION, TO PERMIT A TEMPORARY LICENSE TO BE IN EFFECT FOR UP TO 120 DAYS, TO CHANGE THE PERIOD FOR FILING AN APPEAL TO THE BOARD OF COUNTY COMMISSIONERS OF A DENIAL OF A LICENSE TO 15 DAYS, TO CHANGE THE PERIOD IN WHICH FAILURE TO APPEAL THE DENIAL OF LICENSE PRECLUDES FURTHER ADMINISTRATIVE REVIEW TO 15 DAYS, TO CHANGE THE PERIOD IN WHICH AN APPEAL OF A DENIAL OF A LICENSE WILL BE SCHEDULED TO THE NEXT AVAILABLE BOARD OF COUNTY COMMISSIONERS' MEETING AND NO MORE THAN 30 DAYS AFTER FILING THE APPEAL, TO EXTEND THE PERIOD THAT A TEMPORARY LICENSE IS IN EFFECT DURING AN APPEAL PERIOD TO THE DATE THAT THE BOARD OF COUNTY COMMISSIONERS TAKES FINAL ACTION, TO ADD A REQUIREMENT THAT THE REASONS FOR DENIAL OF A LICENSE BY THE BOARD OF COUNTY COMMISSIONERS SHALL BE PROVIDED IN WRITING TO THE APPELLANT WITHIN 14 DAYS OF THE BOARD OF COUNTY COMMISSIONERS' ACTION, TO PROVIDE FOR AN EXPEDITED JUDICIAL REVIEW OF A DENIAL OF A LICENSE BY THE BOARD OF COUNTY COMMISSIONERS AND FILING FOR SAID REVIEW WITHIN 30 DAYS OF THE BOARD'S ACTION AND FOR AN EXPEDITED BRIEFING REVIEW BEFORE THE COURT IF NO TEMPORARY LICENSE HAS BEEN ISSUED WHICH SHALL NOT EXCEED 30 DAYS; AMENDING SECTION 25.053, LOCATION OF CERTAIN ADULT CHARACTERIZED BUSINESSES: RESTRICTIONS; EXCEPTIONS, TO DELETE THE PROHIBITION ON PARCELS ABUTTING FREEWAYS, EXPRESSWAYS, MAJOR OR MINOR ARTERIAL ROADWAYS; AMENDING SECTION 25.0553, ADULT MOTION PICTURE ARCADE; RESTRICTIONS, TO PERMIT THE PARTIAL ENCLOSURE OF BOOTHS AND TO DEFINE THE HEIGHT AND WIDTH OF THE BOOTH AND THE EXTENT THAT THE ENCLOSURE CAN OBSCURE THE INTERIOR OF THE BOOTH, 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 to read as follows:

Adult Characterized Businesses

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:

(a) 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

(b) 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. Each owner, officer and director required to have his/her thumb and fingerprint impression taken shall present himself/herself to the sheriff within fourteen (14) days of notification that a completed application for a business license has been received by the license division. 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. Within thirty (30) days of the receipt of a completed application for a business license, either a temporary license or permanent license shall be issued. If the temporary license is issued, it shall be in effect for a period of ninety (90) days from the end of the first thirty day period for issuance of a temporary license. An application for an adult characterized business shall be finally approved or denied by the license division within one-hundred twenty (120) days of the receipt of a complete business license application. If the application for a business license is denied, the reasons for denial shall be provided to the applicant in writing within seven (7) days of the date of denial.

9. An applicant who is denied a business license to operate an adult characterized business may appeal the decision by the licensing division to the board of county commissioners by filing an appeal with the clerk of the board within fifteen (15) days of the date that the application was denied.

(a) Failure to appeal the decision of the license division within the fifteen (15) days constitutes an admission that the decision is well founded and precludes further administrative review.

(b) An appeal hearing shall be scheduled, taking into account agenda scheduling, at the next available board of county commissioners' meeting and not more than thirty (30) days after receipt of the appeal. If the appeal is for the denial of a business license and a temporary license has been previously issued, the period for use of the temporary license shall automatically be extended until such time that the appeal is finally acted upon by the board of county commissioners.

(c) 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. The board of county commissioners' decision shall be provided in writing to the appellant and the license division within fourteen (14) days of the board of county commissioners' action.

(d) Any applicant aggrieved by the decision of the board of county commissioners may seek judicial review thereof and file for said review within thirty (30) days. During the course of said review, any temporary license shall be continued until a decision is rendered by the district court. If no temporary license has been issued, the licensing division, as represented by the district attorney, shall agree to an expedited briefing schedule and hearing before the district court, the time period for said process not to exceed thirty (30) days.

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

SECTION 2. Section 25.053 of the Washoe County Code is hereby amended to read as follows:

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.

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.

SECTION 3. Section 25.0553 of the Washoe County Code is amended to read as follows:

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 be less than five feet nor exceed six 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 motion picture arcade area; and must have a minimum opening of 36 inches. Such opening may not be blocked completely at any time by a door, wall, curtain or other partition. A partial blocking of the enclosure may be allowed providing that the door, wall, curtain or other partition creating the partial blocking is not less than eighteen inches (18") from the enclosure's floor at any one point nor forty-eight inches (48") from the enclosure's floor at any one point.

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

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 13th day of June, 2000.

Proposed by Commissioner Joanne Bond.

Passed on the 11th day of July, 2000.

Vote:

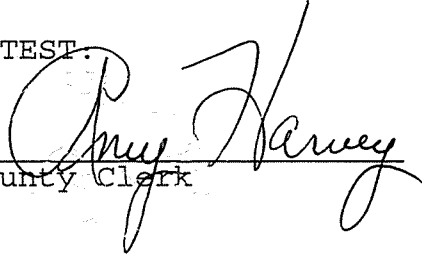
Ayes: Joanne Bond, Jim Galloway, Pete Sferrazza,  
Jim Shaw, and Ted Short

Nays:

Absent:

  
Chairman  
Washoe County Commission

ATTEST:

  
County Clerk

This ordinance shall be in force and effect from and after the  
28th day of July, 2000.