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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:

Ordinance 1116

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:

April 13, 20, 2001

Signed

T. Ciccotti

Subscribed and sworn to before me this

APR 20 2001

Susan U. Dummar

Notary Public



SUSAN V. DUMMAR
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 88-4006-2 - Expires August 17, 2002

PROOF OF PUBLICATION

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1116

NOTICE IS HEREBY GIVEN
that: Bill No. 1292, Ordinance
No. 1116 entitled

An ordinance amending Washoe County Code; revising sec. 25.047, definitions, and adding definitions for the words "arterial" and "completed application"; revising sec. 25.049 relating to findings; revising sec. 25.051 to clarify requirements for an application and removing requirements relating to corporate officers; revising sec. 25.053 to require that adult businesses be located in an industrial or tourist commercial regulatory zone and at least 1,000 feet from various public uses, other adult uses or an establishment holding an unlimited gaming license, clarifying requirements for a waiver request and setting forth findings needed to support a waiver; revising sec. 25.0531 to limit the utilization of a display window and clarify the types of display that is prohibited and clarifying the requirements relating to structures utilized by an adult characterized business; revising sec. 25.0532 to clarify those businesses that are exempt from regulation; revising sec. 25.0533 relating to requirements for work permits; revising sec. 25.0535 to authorize persons other than a peace officer to request display of a work permit; revising sec. 25.055 setting forth requirements for adult interactive cabarets; revising sec. 25.0551 to authorize inspection by authorized county employees; revising sec. 25.0553 to clarify requirements relating to adult motion picture arcades; revising sec. 25.056 to establish date on which non-conforming locational status is obtained for existing businesses; and other matters relating thereto.

was adopted on April 20, 2001 by Commissioners Joanne Bond, Jim Galloway, Pete Sferazza and Jim Shaw voting yes with Commissioner Ted Short voting no. This ordinance shall be in full force and effect from and after April 20, 2001.

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.1252 Apr.13,20, 2001

SUMMARY: An ordinance amending Washoe County Code by revising the provisions pertaining to adult characterized businesses.

BILL NO. 1292

ORDINANCE NO. 1116

AN ORDINANCE AMENDING WASHOE COUNTY CODE; REVISING SECTION 25.047, DEFINITIONS, AND ADDING DEFINITIONS FOR THE WORDS "ARTERIAL" AND "COMPLETED APPLICATION" AND "INDEPENDENT CONTRACTOR"; REVISING SECTION 25.049 RELATING TO FINDINGS; REVISING SECTION 25.051 TO CLARIFY REQUIREMENTS FOR AN APPLICATION AND REMOVING REQUIREMENTS RELATING TO CORPORATE OFFICERS; REVISING SECTION 25.053 TO REQUIRE THAT ADULT BUSINESSES BE LOCATED IN AN INDUSTRIAL OR TOURIST COMMERCIAL REGULATORY ZONE AND AT LEAST 1,000 FEET FROM VARIOUS PUBLIC USES, OTHER ADULT USES OR AN ESTABLISHMENT HOLDING AN UNLIMITED GAMING LICENSE, CLARIFYING REQUIREMENTS FOR A WAIVER REQUEST AND SETTING FORTH FINDINGS NEEDED TO SUPPORT A WAIVER; REVISING SECTION 25.0531 TO LIMIT THE UTILIZATION OF A DISPLAY WINDOW AND CLARIFY THE TYPES OF DISPLAY THAT IS PROHIBITED AND CLARIFYING THE REQUIREMENTS RELATING TO STRUCTURES UTILIZED BY AN ADULT CHARACTERIZED BUSINESS; REVISING SECTION 25.0532 TO CLARIFY THOSE BUSINESSES THAT ARE EXEMPT FROM REGULATION; REVISING SECTION 25.0533 RELATING TO REQUIREMENTS FOR WORK PERMITS; REVISING SECTION 25.0535 TO AUTHORIZE PERSONS OTHER THAN A PEACE OFFICER TO REQUEST DISPLAY OF A WORK PERMIT; REVISING SECTION 25.055 SETTING FORTH REQUIREMENTS FOR ADULT INTERACTIVE CABARETS; REVISING SECTION 25.0551 TO AUTHORIZE INSPECTION BY AUTHORIZED COUNTY EMPLOYEES; REVISING SECTION 25.0553 TO CLARIFY REQUIREMENTS RELATING TO ADULT MOTION PICTURE ARCADES; REVISING SECTION 25.056 TO ESTABLISH DATE ON WHICH NON-CONFORMING LOCATIONAL STATUS IS OBTAINED FOR EXISTING BUSINESSES AND PROVIDING FOR A VARIANCE PROCEDURE; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. Section 25 047 of the Washoe County Code is hereby amended to read as follows:

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 or display of such material and not exempt pursuant to section 25.0531, subsection 16.

2. "Adult characterized business" includes:

(a) Any business wherein it is intended, for any form of consideration or gratuity, alone 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. 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 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. "Arterial" includes the functional classification for transportation facilities of either major or minor arterial as shown in an adopted Washoe County Area Plan or the current Regional Transportation Commission (RTC) Regional Transportation Plan.

10. "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.

11. "Commence operating" means to engage in the operation of an adult characterized business pursuant to section 25.015.

12. "Completed application" means a fully and correctly completed application, to include all forms and information required by this ordinance, and as may be needed by the license division to determine whether the criteria for license approval are met.

13. "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.

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

15. "Independent contractor" includes any dancer, entertainer, or performer working under a contract or agreement to, and not as an employee of, an adult characterized business.

16. "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.

17. "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.

18. "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.

19. "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.

20. "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.

21. "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.

22. "Person to perform security" 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.

23. "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 as they may be amended from time to time.

24. "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) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

25. "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, zoerasty;

(c) Fondling or erotic touching of any human genitals, pubic region, buttocks, anus or 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.

[Part §35, Ord. No. 306; added by Ord. No. 419; A Ord. No. 1079]

SECTION 2. Section 25.049 of the Washoe County Code is hereby amended to read as follows:

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, based on the experiences of other cities and counties, that the regulation of adult characterized businesses is necessary because such establishments:

(a) Have serious, objectionable operational characteristics, particularly when several of such establishments are concentrated in an area.

(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;

(g) Limit the spread of sexually transmitted diseases and the commission of public offenses such as prostitution, and trafficking in illegal narcotics;

(h) 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;

(i) Provide by regulation sufficient alternative sites for the establishment and operation of adult characterized businesses within the unincorporated area of the county

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.

[Part §35, Ord. No. 306; added by Ord. No. 419; A Ord. No. 1079]

SECTION 3. Section 25.051 of the Washoe County Code is hereby amended to read as follows:

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, or to work as an independent contractor, 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, to include an independent contractor, 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 subsection 5 (a) below or meeting the criteria outlined in subsection 5 (b) below;

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 the names and addresses of all persons owning a ten percent (10%) or more interest in the business, including the name and address of the general manager or managers of the business; and

(c) If a corporation, the applicant or applicants shall disclose in writing the names and addresses of the officers and directors of the corporation.

(d) The application, excluding those for independent contractors, must include a site plan which shall identify, to scale, the following:

(1) All internal uses of the business;

(2) The signage proposed for the business and its location on the structure, and any on-site or off-street parking;

(3) All properties within one thousand (1,000) feet of the structure proposed to house an adult characterized business, the current uses located on those properties, and the regulatory zoning (as described in Washoe County Code chapter 110, Reno Municipal Code Title 18, and Sparks Municipal Code Title 20) of those properties;

(4) All streets within one thousand (1,000) feet of the property on which the structure proposed to house an adult characterized business is located and note if any streets are classified as an arterial;

(5) Any internal building or structure requirements of section 25.0531 of this code and any internal building or structure requirements specific to the type of adult characterized business requested in the application.

(6) External measurements on the site plan showing proximity to residentially zoned property or uses in the area shall conform to the requirements of section 25.053(3) of this code; and

(7) The site plan will be prepared and certified by a registered land surveyor, certified planner (American Institute of Certified Planners), or civil engineer.

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 or to an independent contractor:

(a) A person convicted within the past ten (10) years of any of the following crimes:

(1) Prostitution.

(2) Solicitation.

(3) Rape (sexual assault).

(4) Indecent Exposure.

(5) Drug trafficking (distribution of controlled substances or dangerous drugs).

(b) A person meeting the following criteria:

(1) A person under the age of 21 years.

(2) A person who has failed to disclose, misstated or otherwise attempted to mislead the license division or the sheriff with respect to any material fact contained in any application for a license.

(3) A person who has concealed or refused to disclose any material fact in any investigation by the license division or the sheriff.

(4) A person who has been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.

(5) A person who has been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.

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, or each independent contractor to present himself/herself to the sheriff to have taken thumb and fingerprint impressions. Each owner, officer and director or independent contractor required to have his/her thumb and fingerprint impression taken shall present himself/herself to the sheriff by the next working day after 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. 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 no longer than one-hundred twenty (120) days from the receipt of a complete business license application. An application for an adult characterized business, to include an independent contractor, 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.

8. An applicant who is denied a business license to operate an adult characterized business or work as an independent contractor 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 of the board of county commissioners' action. 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.

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

[Part §35, Ord. No. 306; added by Ord. No. 419; A Ord. No. 1079; and Ord adopted on July 11, 2000]

SECTION 4. 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 if, at the time of application, there is within one thousand (1,000) feet or less any public or licensed private kindergarten, elementary school, junior high school, middle school, high school, college, university; licensed 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 Industrial regulatory zoning category or in an establishment holding an unlimited gaming license located in a Tourist Commercial regulatory zoning category. Additionally, no adult characterized business enumerated in subsection 1 may be located within one thousand (1,000) 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 shall be a straight line without regards to intervening structures. The measurement shall be between the property line of the affected use and the property line of the property containing the adult characterized business that is nearest an affected use.

4. The limitation contained in subsection 1 and 2 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) The reason or explanation for the requested waiver.

(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 one thousand (1,000) 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 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 subsections 1 and 2 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 whether all of the findings as set forth in section (f) below are made.

(f) The findings to support granting a waiver are:

(1) That a waiver will not result in a clustering or concentration of adult characterized businesses in the area; and,

(2) That a waiver is unlikely to result in an increase in criminal activity in the area; and,

(3) That the requested location is not in an area traditionally frequented by minors; and,

(4) That a waiver will not contribute to blight or reduced property values in the area; and,

(5) That a waiver will not be detrimental to the public health, safety, or welfare of residents or properties in the surrounding area, and,

(6) That a waiver will not be incompatible with the intent and purposes of this ordinance.

(g) 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.

[Part §35, Ord. No. 306; added by Ord. No. 419; A Ord. No. 1079; and Ord adopted on July 11, 2000]

SECTION 5. Section 25.0531 of the Washoe County Code is hereby amended to read as follows:

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 products, entertainment or entertainers depicting "specified anatomical areas" or "specified sexual activities" provided within shall be displayed on the exterior of the building or within a display window or display area. A display window(s) or display area(s) shall not be visible from an arterial. This restriction is to protect passerbys, particularly minors, on the arterial from viewing the display window(s) or display area(s).

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 used by the public to gain access 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, either on the exterior or interior of the structure, shall be erected in front of each door used as a public entrance leading into an adult characterized business to prevent the viewing of products, entertainment or entertainers depicting "specified anatomical areas" or "specified sexual activities" provided within the business when a door is opened.

7. No door or window in an adult characterized business that allows viewing of products, entertainment or entertainers depicting "specified anatomical areas" or "specified sexual activities" provided within the 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. When a display window is used, the opaque covering shall be behind the display and will completely block any viewing into the interior of the 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 males and females shall be required and any restrooms devoted to use by one sex may not be occupied/used by the other sex except for employees performing cleaning and maintenance of same.

12. No portable structure may be used to house an adult characterized business.

13. 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.

[§5, Ord. No. 1079]

SECTION 6. Section 25.0532 of the Washoe County Code is hereby amended by adding a new section to read as follows:

25.0532 Non-regulated adult characterized businesses; criteria. A business in which material defined in section 25.047 is found does not constitute an adult characterized business regulated pursuant to sections 25.047 through 25.056 if:

1. 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;

2. 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;

3. 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;

4. The floor area devoted to material defined in section 25.047, subsection 1, is clearly signed to prohibit access by minors;

5. 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;

6. 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;

7. The business cannot be defined as an adult characterized business; and

8. 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.

[§5, Ord. No. 1079]

SECTION 7. Section 25.0533 of the Washoe County Code is hereby amended to read as follows:

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 within the past ten (10) years of committing, attempting or conspiring to commit:

- (1) Prostitution.
 - (2) Lewd or lascivious behavior.
 - (3) Solicitation.
 - (4) Rape (sexual assault).
 - (5) Indecent Exposure.
 - (6) Drug trafficking (distribution of controlled substances or dangerous drugs).
- (c) Presenting a threat or danger to the safety and welfare of the public.
- (d) 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 or 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.

[§6, Ord. No. 1079]

SECTION 8. Section 25.0535 of the Washoe County Code is hereby amended to read as follows:

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 shown upon request of a peace officer or other county employee authorized to enforce Washoe County codes.

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.

[§7, Ord. No. 1079]

SECTION 9. Section 25.0537 of the Washoe County Code is hereby amended to read as follows:

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 for fingerprinting and reinvestigating the holder's background.

2. 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.

[§8, Ord. No. 1079]

SECTION 10. Section 25.0539 of the Washoe County Code is hereby amended to read as follows:

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 forth in section 25.0533.

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 will notify the current employer of the holder.

[§9, Ord. No. 1079]

SECTION 11. Section 25.055 of the Washoe County Code is hereby amended to read as follows:

25.055 Adult interactive cabaret; records; retention of records; work card required of 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 county employee authorized to enforce Washoe County codes, the following information for or relative to each person conducting business upon the premises of the licensee:

(a) A copy of a current, valid work card, or a copy of an independent contractor's business license, 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) calendar years.

3. The licensee must ensure that all persons, except for licensed independent contractors, working or providing services upon the premises have a valid work card except for those persons who have no contact with the public. The licensee must also ensure that all independent contractors working or providing services upon the premises have a valid adult characterized business license.

4. It shall be prima facie evidence that a business is an adult interactive cabaret when one or more employees or independent contractors 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 or independent contractors 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) With the exception of a permanent barrier(s) constructed to satisfy the provisions WCC §25.0531(6), 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 non-transparent curtains and/or screens, doors, 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 continuous aisle, a minimum of four feet (4') in width, shall be maintained between the dance area and the area occupied by patrons. The aisle shall be marked by a fixed rail, a minimum of thirty (30") inches in height, to be installed on the edge of the aisle closest to the area occupied by patrons.

(5) No movable stages are permitted.

(6) 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 or independent contractor expose any portion of their pubic region, genitals, vulva and/or anus to view, nor shall a performer or independent contractor appear in a discernibly turgid state, even if completely and opaquely covered.

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

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

(4) Performers or independent contractors 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 or independent contractors 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 or independent contractors will remain on the premises of the business for their entire scheduled shift. Performers or independent contractors 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 or independent contractor sits upon the lap of a patron and couch dancing whereby a performer or independent contractor moves between a patron's legs are specifically prohibited.

(l) The adult interactive cabaret shall maintain a schedule of all performers or independent contractors on duty at all times during business hours. The schedule shall be made available to law enforcement on demand and shall contain the dancers' or independent contractors' 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 alcohol is 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 person to perform security, or employ other persons to prevent disturbances, to work on the premises unless such person(s) have obtained a work permit. No person employed for security or to prevent disturbances shall carry firearms, nightsticks, 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.

[Part §35, Ord. No. 306; added by Ord. No. 419; A Ord. No. 1079]

SECTION 12. Section 25.0551 of the Washoe County Code is hereby amended to read as follows:

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) Commission of a criminal act within the past ten (10) years 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, upon request of any law enforcement officer or by any representative of the county duly authorized to enforce Washoe County codes 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 as 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, as 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 or contracted for 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 or 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, independent contractor, or employee of a licensee expose any portion of their pubic region, genitals, vulva and/or anus to view, nor shall a licensee, independent contractor, 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, independent contractors, or their employees will not work if grossly intoxicated or under the influence of any controlled substance.

(i) No licensee, independent contractor, 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, independent contractor, or employee touch either's genitals, breast, anus or pubic area.

(j) Licensees, independent contractors, 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, independent contractors, 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 or list of all employees or independent contractors. This schedule or list shall list all employees or independent contractors on duty and their shift times. The list shall be made available to any law enforcement officer or other county employee authorized to enforce Washoe County codes on demand.

(m) No out call licensee shall employ a body guard, runner, a person to perform security, 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 or independent contractor sits upon the lap of a patron and couch dancing, or any other location where similar activity may occur, whereby a performer or independent contractor moves between a patron's legs are specifically prohibited, unless the following regulation is adhered to: no licensee, independent contractor, or employee shall fondle or caress any out call entertainment patron and no patron shall fondle or caress any licensee, independent contractor, 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 acts of such agent, employee, independent contractor, 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 or work permit prior to contracting for their services. The owner/operators shall keep a copy of each individual business license or work permit on file for every independent contractor or subcontractor not acting as a regular employee.

[§11, Ord. No. 1079]

SECTION 13. Section 25.0553 of the Washoe County Code is hereby 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. The manager must be able to visually monitor the booths, when occupied, at all times to ensure that only one person occupies a visual viewing area at any time. Electronic monitoring of the arcade is permitted to satisfy the continuous monitoring requirement.

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. The arcade area must be continuously monitored at all times when patrons are in the booths and/or the arcade area. 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

[§12, Ord. No. 1079; and Ord. adopted July 11, 2000]

SECTION 16. Section 25.056 of the Washoe County Code is hereby amended to read as follows:

25.056 Nonconformance.

1. All adult characterized businesses legally established prior to November 15, 1999 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 November 15, 1999 to conform to the requirements enumerated in subsection 3 below unless:

(a) the licensee, by application to the board of county commissioners, is allowed additional time to conform based upon undue hardship; and/or,

(b) the licensee, by application to the board of county commissioners, is granted a variance to any of the specific requirements outlined in subsection 3 below based upon demonstrated structural or physical limitations of the adult characterized business.

3. Requirements of a non-conforming adult characterized business:

(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.

[§15, Ord. No. 1079]

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 27th day of MARCH, 2001.
Proposed by Commissioners BOND
Passed on the 10th day of APRIL, 2001.

Vote:

Ayes: BOND, GALLOWAY, SFERRAZZA, SHAW

Nays SHORT

Absent:

James M. Shaw
Chairman
Washoe County Commission

ATTEST:

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 20th day of APRIL, 2001.



March 14, 2001

Washoe County
Department of
Community
Development

1001 E. Ninth St., Bldg A
Post Office Box 11130
Reno, NV 89520-0027
Tel: 775-328-3600
Fax: 775-328-3648

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS §237.090 to address the proposed impact of changes to the adult characterized businesses sections of the Washoe County Business License Ordinance (WCC §25.047 to §25.0532, §25.0535, §25.055 to §25.0553, and §25.056). Text illustrating the proposed changes to these ordinance sections is attached to this statement.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary:

The Washoe County Board of Commissioners approved the Business Impact Statement during their regular meeting on Tuesday, March 27, 2001. Copies of the Business Impact Statement were mailed to the Reno-Sparks Chamber of Commerce, the Sparks Community Chamber of Commerce, and to existing adult characterized businesses licensed by Washoe County. A letter accompanying the Business Impact Statement asked for written comments by April 6, 2001.

The responses received from the Business Impact Statement will be included in the final statement to be proposed for adoption by the Washoe County Commission on April 10, 2001.

Interested persons may obtain a copy of the Business Impact Statement at the Office of the Washoe County Clerk, 75 Court Street, Room 131, Reno, Nevada (775-328-3260) or at the Washoe County Department of Community Development, Business License, 1001 E. Ninth Street, Bldg. A, Reno, Nevada (775-328-3733). A copy of the Business Impact Statement was also posted on the Washoe County internet site at www.co.washoe.nv.us/ComDev/wc_buslic/1_HomePage.htm on the link noting *Adult Characterized Business Impact Statement*.

2. The estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects: The proposed amendments do not adversely affect existing businesses.

Beneficial effects: The amendments clarify the regulatory provisions of the code and, in most cases, provide more latitude to businesses.

Direct effects: None. The amendments do not change existing code with regard to grandfathering of locations and requirements for conformance upon the sale of a business.

Indirect effects: None.

3. The following constitutes a description of the methods that Washoe County considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

The Washoe County Board of Commissioners considered modifications and amendments to the adult characterized businesses sections of the Business License Ordinance during a

Robert W. Sellman
Director



"Dedicated to Excellence in Public Service"

workshop on October 16, 2000, an agenda item for the Commission meeting on October 24, 2000, an agenda item for the Commission meeting on December 19, 2000, and an agenda item for the Commission meeting on March 13, 2001. The public was invited to testify during these meetings and the Commission discussed several approaches for refined regulations on adult characterized businesses. The Commission initially investigated restricting these businesses to suitable locations only if these locations were not adjacent to major roadways. However, research determined that such a restriction would severely limit the sites available for adult characterized businesses. Therefore, the Commission decided to not include this restriction. The Commission also discussed limiting future adult characterized businesses to areas with an Industrial regulatory zoning to match the restrictions for similar businesses in the City of Reno Codes. It was pointed out that such a restriction would not allow adult characterized activities in casinos, so the proposal was modified to include any establishment with an unlimited gaming license (casino) in Tourist Commercial regulatory zones. The Commission additionally considered banning display windows from adult characterized businesses. After considerable discussion and public input, the Commission decided that display windows would be allowed, but not facing arterial roadways. This prohibition is designed to protect minors passing by the store on the arterial roadway from viewing the material in the display windows. Finally, the Commission provided direction, ordinance review, and policy guidance to confirm the content of the proposed ordinance changes during their meeting on March 13, 2001.

4. Washoe County estimates that the cost to the County for enforcement of the proposed amendments is minimal.

For more information concerning this Business Impact Statement, contact Bob Webb, Planning Manager with the Washoe County Department of Community Development at 775-328-3623; through e-mail at bwebb@mail.co.washoe.nv.us; or, by postal mail at 1001 E. Ninth Street, Bldg. A, Post Office Box 11130, Reno, NV 89520-0027.