

Affidavit of Publication

STATE OF NEVADA,
County of Washoe—SS.

Mary Hefling

being duly sworn, deposes and says that he is the

Record Clerk

of The SPARKS TRIBUNE, a weekly newspaper,
published in Sparks, Washoe County, Nevada; that
he has charge of and knows the advertising ap-
pearing in said newspaper, and the

Notice of County Ordinance

Bill No. 588

Ordinance No. 419

of which a copy is hereunto attached, was first
published in said newspaper in its issue dated

March 7, 19 79

and was published in each of the following issues

thereafter:

the date of the last publication being in the issue


of March 14, 19 79

Mary Hefling
Subscribed and sworn to before me this, the

14th day of March, 19 79

Loretta Dickerson
Douglas,
Notary Public in and for the County of ~~Washoe~~
State of Nevada.

My Commission expires: October 25, 1980

 LORETTA DICKERSON
Notary Public — State of Nevada
Douglas County
My Commission Expires Oct. 25, 1980

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 588, Ordinance No. 419, amending Washoe County Ordinance No. 306, entitled, "An Ordinance to fix, impose and collect a license tax on all character of lawful trades, callings, industries, occupations, professions and business conducted in the County of Washoe, outside the limits of incorporated cities and towns in Washoe County; fixing a penalty for the violation thereof; and repealing all ordinances and parts or the ordinances in conflict therewith; providing for the licensing for sale at retail of shells, cartridges or bombs containing or capable of emitting tear gas, or any weapon designated for the use of such shell, cartridge or bomb; and repealing Washoe County Ordinances No. 31, 32, 46, and 195" by adopting specific licensing requirements for adult bookstores and adult motion picture theaters; and regulating the location of such bookstores and theaters, was adopted on February 27, 1979, by Commissioners Farr, Stoess, Brown, Underwood and Ferrari.
Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
ALEX COON, County Clerk
Publish: March 7, 14, 1979.

SUMMARY: Amends Washoe County Ordinance No. 306 by adopting specific licensing requirements for adult bookstores and adult motion picture theaters; and by regulating the location of such bookstores and theaters.

BILL NO. 588

ORDINANCE NO. 419

AN ORDINANCE AMENDING "AN ORDINANCE TO FIX, IMPOSE AND COLLECT A LICENSE TAX ON ALL CHARACTER OF LAWFUL TRADES, CALLINGS, INDUSTRIES, OCCUPATIONS, PROFESSIONS AND BUSINESS CONDUCTED IN THE COUNTY OF WASHOE, OUTSIDE OF THE LIMITS OF INCORPORATED CITIES AND TOWNS IN WASHOE COUNTY; FIXING A PENALTY FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE LICENSING FOR SALE AT RETAIL OF SHELLS, CARTRIDGES OR BOMBS CONTAINING OR CAPABLE OF EMITTING TEAR GAS, OR ANY WEAPON DESIGNATED FOR THE USE OF SUCH SHELL, CARTRIDGE OR BOMB; AND REPEALING WASHOE COUNTY ORDINANCES NO. 31, 32, 46 and 195" BY ADOPTING SPECIFIC LICENSING REQUIREMENTS FOR ADULT BOOKSTORES AND ADULT MOTION PICTURE THEATERS; AND REGULATING THE LOCATION OF SUCH BOOKSTORES AND THEATERS.

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

SECTION 1.

Washoe County Ordinance No. 306 is hereby amended by adding thereto a new section which shall read as follows:

SECTION 35. Adult Bookstores, Adult Motion Picture Theaters.

A. Definitions. As used in this section, 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 and other material 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.
- 2. "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.
- 3. "Commence operating" includes:
 - (a) Commencing the operation of an adult bookstore or adult motion picture theater; and
 - (b) Reconstruction or alteration of an existing establishment for the purpose of operating an adult bookstore or motion picture theater.

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4. "Residentially zoned area" includes any area zoned A-1 to A-11, inclusive, E-1 to E-5, inclusive, R-1 to R-3, inclusive and TR.
5. "Specified anatomical areas" includes the following areas of the human body:
 - (a) Any less than completely and opaquely covered:
 1. Human Genitals;
 2. Pubic region;
 3. Buttocks; and
 4. Female breast below a point immediately above the top of the areola.
 - (b) Male genitals in a discernibly turgid state, even if completely and opaquely covered.
6. "Specified sexual activities" includes:
 - (a) Human genitals in a state of sexual stimulation or arousal;
 - (b) Acts of human masturbation, sexual intercourse or sodomy; and
 - (c) Fondling or erotic touching of any human genitals, pubic region, buttocks or female breast.

B. Purpose of section.

1. In adopting this section, the Board of County Commissioners recognizes and finds that adult bookstores and adult motion picture theaters, because of the materials presented to patrons of such establishments:
 - (a) Have serious, objectionable operational characteristics, particularly when several of such establishments are concentrated in an area under such conditions as to have a deleterious effect upon adjacent areas.
 - (b) Tend to attract an undesirable quality and quantity of transients, thereby adversely affecting property values, causing an increase in crime and encouraging residents and businesses in the area in which such establishments locate to move elsewhere.
2. It is the purpose of this section to:
 - (a) Adopt specific licensing requirements for adult bookstores and adult motion picture theaters; and
 - (b) Place locational restrictions on these establishments pursuant to NRS 278.022.

3. This section is not adopted for the purpose of regulating the content of the materials sold to or observed by the patrons of such establishments.
- C. License Required. It is unlawful for any person to commence operating any establishment as an adult bookstore or adult motion picture theater without first applying and obtaining a license therefor pursuant to this ordinance and in compliance with the specific requirements of this section.
 - D. Location of adult bookstores, motion picture theaters. Restrictions. Exceptions.
 1. Except as provided in paragraph 2, it is unlawful to commence operating any adult bookstore or adult motion picture theater within 1,000 feet or less of any other such establishment or within 1,000 feet or less of any kindergarten, elementary school, junior high school, middle school or high school.
 2. The limitation contained in paragraph 1 may be waived by the Board of County Commissioners in the following manner:
 - (a) A person requesting a waiver shall file a written application therefor 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; and
 - (3) The nature of the materials which are proposed to be offered to or observed by patrons of the establishment.
 - (b) Upon receipt of the application, the clerk shall notify the Board and the Board shall forthwith fix a date for a public hearing on whether the waiver should be granted.
 - (c) At the time of fixing the hearing, the Board shall order and cause notice of the hearing to be served on the applicant and published 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 parties to determine whether granting the waiver would tend to produce any of the effects set forth in subsection B(1) of this section.

(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 on the Board's minutes.

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

E. Location of adult bookstores, motion picture theaters. Additional restrictions. Exception.

1. Except as provided in paragraph 2, it is unlawful to commence operating any adult bookstore, or adult motion picture theater in any area zoned C-1, C-2, M-1 or M-3 if such an establishment is within 500 feet or less of a residentially zoned area.
2. The limitation contained in paragraph 1 shall be waived by the Board of County Commissioners upon presentation to the Board of a validated petition requesting such waiver. The petition shall contain the signatures of not less than 51 percent of the total number of persons age 18 or over who own property, reside or operate business establishments within 500 feet or less of the location of the proposed business. The petition and the procedure to be followed in obtaining the required signatures may be obtained at the office of the County Clerk.

SECTION 2.

Section 7 of Washoe County Ordinance No. 306 is hereby amended to read as follows:

SECTION 7. Fees.

In the absence of any provision herein to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Sheriff. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee shall be paid for each quarter or fraction thereof during which the business has been or will be conducted. The annual license fee for each:

- A. Auto court, motel, hotel, guest ranch, guest house, apartment or mobile home park is \$15 for each five units or fraction thereof, plus \$3 for each additional unit, room, trailer, space or cottage over five.
- B. Adult bookstore or adult motion picture theater is \$100.
- C. Business, trade, calling, industry, occupation or profession not specifically mentioned elsewhere in this ordinance, is \$40.

SECTION 3.

Existing sections 35 to 38, inclusive, of Washoe County Ordinance No. 306 are hereby renumbered as sections 36 to 39, inclusive.

SECTION 4.

This ordinance shall take effect after its proposal, passage and publication as prescribed by NRS 244.100.

Proposed on the 20th day of February, 1979.
Proposed by Commissioners Farr, Stoess, Brown, Ferrari, and Underwood.
Passed on the 27th day of February, 1979.

Vote:

Ayes: Commissioners: Farr, Stoess, Brown, Ferrari & Underwood
Nays: Commissioners: None
Absent: Commissioners: None

Bill Farr
CHAIRMAN

ATTEST:

ALEX COON CLERK
By J. Bailey CHIEF DEPUTY
County Clerk

This Ordinance shall be in force and effect from and after the 14 day of March, 1979.