

EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO. \_\_\_\_

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND TITLE 4 OF THE RENO MUNICIPAL CODE ENTITLED “BUSINESS LICENSE CODE,” BY ADDING CHAPTER 4.07 ENTITLED “ADULT BUSINESS,” IN ITS ENTIRETY TO PROVIDE FOR THE MINIMUM LICENSING REQUIREMENTS FOR ADULT INTERACTIVE CABARET PERFORMERS AND ADULT BUSINESSES DEALING IN SEXUAL ITEMS, MATERIALS OR DEVICES; AND OTHER MATTERS PROPERLY RELATING THERETO.**

**SPONSORED BY:**

**THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:**

**SECTION 1.** Title 4, Chapter 4.07, §§ 4.07.005, 4.07.006, 4.07.007, 4.07.20, 4.07.30, and 4.07.40 of the Reno Municipal Code, is hereby added to read as follows:

**Sec. 4.07.005. - Purpose and short title.**

This chapter establishes the minimum procedural requirements for business licenses issued to adult interactive cabaret performers and adult businesses dealing in sexual items, materials or devices, and shall be known as the Adult Business Code.

**Sec. 4.07.006. - Scope.**

The provisions of this chapter apply to adult interactive cabaret performers and adult businesses dealing in sexual items, materials or devices in the city. Nothing in this chapter shall be deemed or construed to exempt any organization from complying with the provisions of any other ordinance of the city, including but not limited to permit requirements, zoning requirements, nuisance ordinances and restrictions on privileged or illegal activities.

**Sec. 4.07.007. - Definitions.**

For purposes of this chapter, the following definitions shall apply:

- (a) Applicant means any person who has applied for a city business license.
- (b) Adult interactive cabaret performer also referred to as “performer” means any person male or female who:

- i. is an employee or independent contractor of an adult interactive cabaret and who, with or without any compensation or other form of consideration, performs as a sexually-oriented dancer, exotic dancer, stripper or similar dancer, actor, model, entertainer or worker whose performance on a regular and substantial basis emphasizes exposure of and focus on the adult interactive cabaret performer's specified anatomical areas; or
- ii. is a person who, while performing or conducting personal or individual grooming, maintenance or hospitality services such as barber, cosmetic, food or beverage service or personal property maintenance (such as car wash or laundry), nevertheless emphasizes exposure of and focus on the person's specified anatomical areas; or
- iii. is a patron of an adult interactive cabaret where the patron is performing for other patrons as part of any publicized or promoted event that encourages adult interactive cabaret performance by such patrons such as an "amateur night" or a "tryout night".

The terms "adult interactive cabaret performer" and "performer" are synonymous as used in this chapter.

- (c) Adult bookstore, Adult novelty store or Adult video store means an establishment which has as its stock in trade, or derives a portion of its revenues from, or devotes a portion of its interior business or advertising to, or maintains a sales or display space for the distribution, display, or presentation of any one or more of the following:
- i. Books, magazines, periodicals, or other printed matter, pictures, drawings, photographs, sound recordings, films, negatives, slides, motion pictures or other video recordings or visual representations that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and
  - ii. Instruments, objects, devices or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

**Sec. 4.07.20. Adult interactive cabaret performer; license issuance or denial; revocation or suspension stayed pending appeal.**

(a) A business license application for an adult interactive cabaret performer will be considered properly completed upon submission of all required application materials and information, including payment of all required application fees. The City shall issue or deny the license within the next business day from the date of receipt of the properly completed application.

(b) The city shall not issue the license if the applicant has made any false, misleading or incomplete statement of material fact in the application.

(c) If the applicant is denied, the city shall notify the applicant with the reason(s) stated for denial. Notification of the denial shall be provided by personal service to the applicant or by certified mail to the applicant's address provided on the license application which shall be

considered to be the correct address. Each applicant has the burden to furnish any change of address to the city within 15 calendar days of any change.

(d) In the event of denial, revocation or suspension, the applicant may file or cause to be filed in the district court a petition labeled as a “First Amendment Petition” for judicial review of the validity of the denial as provided by NRS Chapter 34.

(e) Notwithstanding Section 4.04.160, the holder of an adult interactive cabaret performer business license that is the subject of revocation or suspension shall remain able to conduct business under the license until appeal has been pursued through final decision.

**Sec. 4.07.30. – Adult business dealing in sexual items, materials or devices; license issuance or denial; revocation or suspension stayed pending appeal.**

(a) A business license application for an adult business dealing in the distribution, display or presentation of items, materials or devices which are distinguished by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined by RMC 18.24.203.200, or are designed for sexual stimulation, sometimes known as an “adult bookstore” or “adult novelty store,” will be considered properly completed upon submission of all required application materials and information, including payment of all required application fees. The applicant shall include sufficient information regarding the nature and conduct of the business to allow the city to properly consider and review the application.

(b) The city shall issue or deny the license within 30 calendar days from the date of receipt of the properly completed application. Failure of the city to approve or deny the license application within the 30-day period shall result in the license being granted under the following condition:

(1) That upon the expiration of the 30-day period without decision, the applicant may demand a license and begin operation of the business for which the license is sought, unless and until the city notifies the applicant of a denial of the license application and states the reason for the denial. This provision shall not create a reliance or estoppel situation as to this license or any other provision of this Code.

(c) The city shall not issue the license if:

(1) The applicant has made any false, misleading or incomplete statement of material fact in the application or in any report or record filed with the business licensing division; and

(2) The business will be conducted or carried on in a building, structure and a location which is not in full compliance with all applicable health, zoning, building fire and safety laws, regulations, and ordinances.

(d) If the applicant is denied, the city shall notify the applicant with the reason(s) stated for denial. Notification of the denial shall be provided by personal service to the applicant or by certified mail to the applicant’s address provided on the license application which shall be considered to be the correct address. Each applicant has the burden to furnish any change of address to the city within 15 calendar days of any change.

(e) In the event of denial, revocation or suspension, the applicant may file or cause to be filed in the district court a petition labeled as a “First Amendment Petition” for judicial review of the validity of the denial as provided by NRS Chapter 34.

(f) Notwithstanding RMC Section 4.04.160, the holder of a license described in subsection (a) that is the subject of revocation, suspension or denial after beginning operation pursuant to subsection (b)(1) shall remain able to conduct business under the license until appeal has been pursued through final decision.

**Sec. 4.07.40. – Severability.**

If any section, paragraph, phrase or word of this chapter or portion thereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this chapter.

**SECTION 2.** The Reno City Council hereby finds that this ordinance is subject to the requirements of NRS Chapter 237, Business Impact Statement process.

**SECTION 3.** This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

**SECTION 4.** Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

**SECTION 5.** The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote of the Council:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR OF THE CITY OF RENO

ATTEST:

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CITY CLERK AND CLERK OF THE CITY COUNCIL  
OF THE CITY OF RENO, NEVADA

EFFECTIVE DATE:

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