

BILL NO. 2017-13

NYE COUNTY ORDINANCE NO. 515

SUMMARY: AN ORDINANCE AMENDING TITLE 9 OF THE NYE COUNTY CODE, TITLED PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.20, TITLED PROSTITUTION; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE AMENDING TITLE 9 OF THE NYE COUNTY CODE, TITLED PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.20, TITLED PROSTITUTION, BY AMENDING THE DEFINITIONS; AMENDING SECTION 9.20.040, LICENSING BOARD CREATED; AMENDING POWERS AND DUTIES OF THE BOARD; AMENDING LICENSE RESTRICTIONS; AMENDING FEES; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, NRS 201.354 states that it is unlawful for any person to engage in prostitution or solicitation except in a licensed house of prostitution; and

WHEREAS, any license issued and received is a revocable privilege personal to the holder thereof; and

WHEREAS, the board finds that in the interests of the public health, safety, and general welfare of the people of Nye County and to promote the orderly conduct of the operation, it is necessary to impose regulations and restrictions on houses of prostitution;

NOW THEREFORE, the Board of Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith the following regulations:

9.20 PROSTITUTION

9.20.010: ADOPTION:

The adoption of this chapter provides for the licensing and regulation of prostitution; for revenue and regulation; prohibits any prostitution in Nye County, except as conducted in accordance with the provisions of this chapter; declares that prostitution conducted in accordance with the

provisions of this chapter does not constitute a public offense; will protect the public health, safety, morals and welfare of the residents of the county. (Ord. 434, 2012)

9.20.020: DEFINITIONS:

For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:

APPLICANT: Any "person" as defined in this section requesting licensing, finding of suitability, approval or consent of the board under the provisions of this chapter.

BOARD; LICENSING BOARD: The board of county commissioners and the sheriff.

BROTHEL: Any establishment having a source of income or compensation derived from the practice of "prostitution" as defined in this section, and which has a fixed place of business where any person engages in or carries on any of the activities as defined in the definition of "house of prostitution" of this section.

CERTIFIED PUBLIC ACCOUNTANT: A person possessing a current certificate from the Nevada state board of accountancy to conduct business in Nevada as a certified public accountant.

CLERK OF THE BOARD: The county clerk.

COUNTY: The county of Nye, state of Nevada.

EMERGENCY: A sudden or unexpected or unforeseen health or safety hazard calling for immediate action or remedy to safeguard the public health, safety, morals or welfare of the inhabitants of the county.

EMPLOYEE: Any person engaged in an act or acts of prostitution for any licensee, whether actually employed as an independent contractor or otherwise by such licensee, or any person engaged in management, sale or in any way represents or is held out as representing the interests of a "house of prostitution" as defined in this section.

FEE: License fee, application/investigation fee, and registration fee.

HOUSE OF PROSTITUTION: Any house, building, trailer (with or without wheels), vehicle, tent or other structure or "premises" as defined in this section wherein or whereon acts of prostitution are committed, or offered to be committed.

LICENSE: A license issued by the board authorizing a person to operate a house of prostitution.

LICENSED OPERATION LOCATION: Premises deemed by the board to be suitable locations for a house of prostitution in accordance with the provisions of this chapter.

LICENSED OPERATION OR OPERATION: A house of prostitution duly licensed and operated in accordance with the provisions of this chapter.

LICENSEE: The person to whom a license has been issued to own or operate a "house of prostitution" as defined in this section.

PERSON: Any natural person, partnership, limited partnership, firm, association of persons, Joint Stock Company, corporation or combination of individuals of whatever form or character.

PREMISES: Each and every part or area of houses of prostitution as defined in this section, including the real property and all improvements and structures thereon, where houses of prostitution are located.

PROSTITUTE: Any person who, in the course of any employment, either directly or indirectly, engages in acts of "prostitution" as defined in this section.

PROSTITUTION: A person who, for a fee, engages in any act for the purpose of arousing or gratifying the sexual desire of either person.

REGISTRANT: Those persons and employees required to register with the board and/or sheriff under the provisions of this chapter.

SANCTIONS: Limiting, suspending, restricting or revoking a license and/or registration card.

SEX WORKER: See Prostitute

SEXUAL CONDUCT: Any of the acts defined in the definition of "prostitution" of this section.

SOLICITATION: Any person who:

- A. Induces, persuades, encourages, inveigles or compels a person to engage in "sexual conduct" as defined in this section; or
- B. Offers to engage in "sexual conduct" as defined in this section. (Ord. 434, 2012)

9.20.030: LICENSE REQUIRED:

Any person who engages in prostitution or operates a house of prostitution without first having obtained a license and having paid the license fee as provided in this chapter is guilty of a misdemeanor. (Ord. 434, 2012)

9.20.040: LICENSING BOARD CREATED:

- A. Pursuant to the statutory authority contained in Nevada Revised Statutes 244.345, a licensing board is created, composed of the board of county commissioners and the sheriff of the county.
- B. It shall be the duty of the board to carry out the terms and provisions of this chapter, and to see that this chapter is faithfully enforced. (Ord. 434, 2012)
- C. The board may meet on the days the Board of County Commissioner set meetings and additional meetings pursuant to Nye County Code 2.04.010

9.20.050: POWERS AND DUTIES OF BOARD:

The Powers of the board shall include, but shall not be limited to, the following:

The board is empowered and commissioned to act without additional compensation to the board or the clerk, to:

- A. The board, by resolution, shall promulgate a schedule of fees required by this title; and from time to time as deemed necessary or advisable, the board, by resolution may amend that schedule of fees. The resolution adopting the fee schedule, or any amendments thereto, must be published at least once time in a newspaper of general circulation in the county prior to the fees going into effect.
- B. Grant or deny applications for licenses and impose conditions, limitations and restrictions upon the licensee;

- C. Adopt, amend and repeal regulations relating to licenses and licensees;
- D. Restrict, revoke or suspend licenses for cause, after hearing, as provided in this chapter. In an emergency, the board may issue an order for immediate suspension or limitation of a license, but the order must state the reason for suspension or limitations and afford the licensee a hearing as provided in this chapter;
- E. The board shall hold a hearing before adopting proposed regulations, before adopting amendments to regulations, and before repealing regulations relating to the control or the licensing as herein provided;
- F. Notice of such hearing must be published in a newspaper published and having general circulation in the county at least once a week for a period of two (2) weeks before the hearing;
- G. Upon adoption of new regulations, the board shall designate their effective date, which may not be earlier than fifteen (15) days after their adoption. Immediately after adoption a copy of any new regulations must be available for public inspection during regular business hours at the office of the county clerk;
- H. A majority vote of the members of the board present governs in the transaction of all business. A majority of the members constitutes a quorum for the transaction of business. (Ord. 434, 2012)

9.20.060: APPLICATION GENERALLY:

- A. It is the declared policy of the board that all establishments, where houses of prostitution are conducted or operated, are licensed and controlled so as to better protect the public health, safety, morals, good order and welfare of the inhabitants of the county.
- B. Any license which is issued, or registration, or finding of suitability, or approval by the board shall be deemed to be a revocable privilege and no person holding such a license or registration, or finding of suitability, or approval of the board is deemed to have acquired any vested rights therein.

- C. An applicant for a license is seeking the granting of a privilege, and the burden of proving their qualifications to receive a license is at all times on the applicant. An applicant must accept any risk of adverse public notice, embarrassment, criticism or other action of financial loss which may result from action with respect to an application and expressly waive any claim for damages as a result thereof.
- D. An application for a license, determination of suitability or registration, shall constitute a request to the board for a decision upon the applicant's general suitability, character, integrity and ability to participate or engage in, or be associated with, houses of prostitution in the manner or position sought by the application. By filing an application with the board, the applicant specifically consents to the making of such a decision by the board. (Ord. 434, 2012)

9.20.070: WAIVER OF PRIVILEGE:

An applicant may claim any privilege afforded by the constitution of the United States, or of the state, in refusing to answer questions by the board. However, a claim of privilege with respect to any evidence or testimony pertaining to an application may constitute sufficient grounds for denial. (Ord. 434, 2012)

9.20.080: LICENSE APPLICATION; FILING:

Every person wishing to engage in the business of conducting a house of prostitution outside an incorporated city must:

- A. Make application to the board for a license in such form prescribed by the board;
- B. File the application, with the application/investigation fee and the required license fee, with the county license collector, as provided in chapter 364 of Nevada Revised Statutes, who shall present the application to the board at its next regular meeting;
- C. Upon presentation and filing of such license application with the board, the board shall refer such application to the sheriff for investigation to determine suitability for approval or consent of the board to receive a license. (Ord. 434, 2012)

9.20.090: LICENSE APPLICATION; CONTENTS:

The application shall be made upon such forms as the board may prescribe and shall contain at least the following information and minimal requirements for a license:

- A. Names, ages and addresses of all persons who will have any interest in the operation and/or premises, including, but not limited to, interests set forth in subsection K of this section;
- B. Names, ages and addresses of persons who are or will be personally responsible for the conduct and management of the operation, in addition to the licensee;
- C. At the time of application a photograph and a complete set of fingerprints of all persons listed in subsections A and B of this section will be taken by the sheriff of the county;
- D. Names and addresses of every other business in which the applicant has any financial interest, including the type of business and the nature of the applicant's interest;
- E. Names and addresses of all employers of the applicant in the preceding ten (10) years;
- F. All of the applicant's addresses for the preceding ten (10) years;
- G. A list of all prior arrests and prior convictions of the applicant for any crime, which list shall include a statement of the offense, the date and place of its occurrence, and/or date and place of convictions;
- H. A complete and accurate audited financial statement of the applicant, which statement shall be current within six (6) months prior to filing, and supported by documents acceptable to the board;
- I. Business, occupation or employment of the applicant for the ten (10) years immediately preceding the date of application;
- J. The house of prostitution business history of the applicant; whether such person, in previously operating in this or another city, county or state, has had any business license, or privilege license, revoked or suspended, the reason therefor, and the business activity or occupation responsible for such action of suspension or revocation;

- K. A legal description of the property upon which the proposed operation is to be conducted, together with copies of all deeds, mortgages, deeds of trust, liens or other encumbrances, leasehold interests or any other financial, leasehold or ownership interests relating to the premises;
- L. Any other information deemed necessary by the board;
- M. The applicant shall sign and verify under penalty of perjury, the application, and any waivers or releases requested;
- N. Each application shall be accompanied by a nonrefundable application/investigation fee and license fee as provided in this chapter;
- O. If the applicant is a Nevada corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation filed with the secretary of state. If a foreign corporation, the name shall be set forth exactly as shown on its certificate of good standing to do business in Nevada, issued by the secretary of state, together with the name and address of the resident agent, names and residence addresses of each of the officers, directors and each stockholder holding stock in the corporation. If the applicant is a partnership or limited partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners, including limited partners, is a corporation, the provisions of this subsection pertaining to a corporate applicant shall apply;
- P. Every person applying for a license to carry on or transact business under an assumed or fictitious name or designation which does not show the real name or names of the corporation or persons or persons engaged or interested in such business, must file with the county clerk, a certificate containing the information required by Nevada Revised Statutes 602.020;
- Q. No application shall be deemed to have been filed until such time as it is complete in all respects, and the board may reject for filing any application not completed on its face;
- R. Any applicant whose place of business will be conducted by a manager or agent must provide all of the information required in this section for and about the designated manager or agent. Any person or entity which, as of the effective date hereof, holds a brothel license, and whose

place of business is conducted by a manager or agent, at the next time for renewal of that license, must submit an amended application which includes all of the information required in this section for and about the designated manager or agent. Whenever the manager or agent who is conducting the business of a brothel changes, the holder of the brothel license forthwith must inform the sheriff of the change, and must submit to the Sheriff all of the information required by this section for and about the new manager or agent. (Ord. 434, 2012)

9.20.100: LICENSE APPLICATION; INVESTIGATION:

- A. The sheriff shall conduct a full investigation of all information pertaining to the license application, which investigation must include:
 1. A complete check of all records of the federal bureau of investigation and other appropriate criminal justice agencies concerning the criminal history of the applicant;
 2. An interview with each applicant, such interview may be personal, by telephone or mail as determined by the sheriff;
 3. An interview, either personal or by mail, with all employers of the applicant and business associates of the applicant, as shown by the license application;
 4. Examination of the audited financial statement and financial background of the applicant;
 5. Any other investigation deemed necessary or useful by the sheriff.
- B. After an application is referred by the board to the sheriff, the sheriff shall report upon it, in writing, at the following regular meeting of the Board, or as soon thereafter as may be ordered by the board, which report shall include, but not be limited to, the following:
 1. A complete statement of the status or results of all investigations undertaken;
 2. A list of any errors or omissions found to exist in the application;
 3. An evaluation of the personal and financial status and background of the applicant.

- C. After receiving the sheriff's report, the board shall at that meeting grant or refuse to grant the license prayed for or enter any other order consistent with this chapter, including, but not limited to:
 - 1. Refer the application back to the sheriff for additional investigation;
 - 2. Require a personal interview with the applicant;
 - 3. Require the applicant to submit additional information relative to the application;
 - 4. Limit, or condition a license under the provisions of this chapter.

- D. The applicant shall have until the next regular meeting of the board to furnish such additional information to the board, or to appear for a requested personal interview by the board. (Ord. 434, 2012)

9.20.110: LICENSE; ISSUED:

- A. The board, as defined in this chapter, is the full and sole authority empowered to grant a license to operate a house of prostitution, and the sole authority to make, alter and rescind all necessary ordinances or regulations setting forth the terms and conditions upon which such licenses may be applied for, the terms and conditions under which such licenses shall be granted, revoked, limited or canceled, and any and all other ordinances or regulations necessary regarding the conditions under which said houses of prostitution may be allowed to operate.
- B. The board has the sole authority to cancel and rescind any and all such licenses for cause, after hearing, as provided in this chapter, without refund of any monies previously thereto paid by, or for, such license.
- C. Upon approval of all applications connected with a house of prostitution, the board may issue a license, which license shall state:
 - 1. The names and addresses of all licensees connected with the operation;
 - 2. The address or location of the operation;

3. Any restrictions or limitations imposed by the board;
4. The date of issuance of the license;
5. The date of expiration of the license;
6. All licenses shall be issued for a quarterly period;
7. Thirty (30) days before the expiration date of any license, licensees shall apply to the sheriff on the form provided for renewal;
8. Failure of any licensee to apply for a renewal, as required in subsection C7 of this section, shall result in an automatic revocation of the license on the expiration date thereof. Any license thus revoked may be reinstated only upon compliance by the licensee with the requirements of this chapter relating to original license application and issuance;
9. The issuance and acceptance of a license shall constitute an undertaking and agreement by the licensee and his agents and employees, and specifically including employees that are registered under section 9.20.140 of this chapter, that they will be bound by the terms, conditions and provisions of this chapter, and any regulations as may at any time hereinafter be made, enacted or adopted by the Board, and shall include a consent to, and an acknowledgment of the power and authority of, the sheriff, health officer, district attorney or any other duly authorized agents thereof, to enter the premises to which the license applies, at any time during the day or night, without reservation, and to have access to any and all persons within or on the premises, or any part thereof, for the purpose of examining the premises and ensuring compliance with the terms of this chapter, and that withholding access or in any way inhibiting or limiting access to the premises as described hereinabove by the licensee, his agents and employees, shall constitute cause for the board to revoke, suspend, or rescind the license, or to take other action as the board deems appropriate;
10. No applicant has any right to receive a license, and any license issued and received is a revocable privilege personal to the holder thereof, and such holder acquires no vested right therein or thereunder, and the same shall not be transferred without prior approval of the board;

11. Any license issued under the provisions of this chapter is for the purpose of maintaining a licensed house of prostitution only, and does not entitle the holder thereof to sell, dispense or give away any alcoholic beverages. (Ord. 434, 2012)

9.20.120: LICENSE DENIAL:

The board may refuse to grant a license to any applicant:

- A. Who has been convicted of a felony.
- B. Who is financially insolvent or who has undergone a prior bankruptcy proceeding filed by or against him that resulted in creditors receiving less than the total amount of money owed them.
- C. Who has a history of financial instability.
- D. Whose stated financial condition is inadequate or insufficient to operate a house of prostitution.
- E. Who makes any untrue statement of a material fact in any application, notice, statement or report filed with the board in compliance with the provisions of this chapter, or willfully omits to state in any such application, notice, statement or report any material fact which is required to be stated therein, or omits to state a material fact necessary to make the fact stated in view of the circumstances under which they were stated, not misleading.
- F. Who has any financial interest in, or connection with any business which is illegal where such business is located.
- G. Whose license location under the provisions of this chapter would be contrary to the health, safety, morals or welfare of the county or its residents.
- H. Who is under the age of twenty one (21) years.
- I. Who has been convicted of a crime involving moral turpitude, unless the board finds, upon examination of the circumstances of the crime and the applicant's criminal history, that the applicant does not present, and is not likely to present in the future, a threat to the health, safety, morals or welfare of the residents of the county, and will likely operate a lawful

establishment in full compliance with the letter and intent of all county ordinances, regulations, and the laws of the state.

- J. Whose license issued under this chapter has been revoked for cause.
- K. Who, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon first application.
- L. A corporation, unless it is incorporated in Nevada, or unless it is a foreign corporation which is qualified under Nevada law to transact business in the state.
- M. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of an individual licensee.
- N. Whose premises are deemed by the board to be unsuitable for the conducting of a house of prostitution by reason of ownership of any interest whatsoever in such premises by a person who is unqualified or disqualified to hold a license, regardless of the qualifications of the person who seeks or holds a license to operate a house of prostitution in or upon such premises.

(Ord. 434, 2012)

9.20.125: RESTRICTION ON NUMBER OF LICENSED OPERATIONS LOCATED IN AMARGOSA VALLEY:

The board shall limit the number of licensed operations located within the legally designated boundary of the unincorporated town of Amargosa Valley to one or less. (Ord. 434, 2012)

9.20.130: LICENSE RESTRICTIONS:

Every license issued under the provisions of this chapter shall have the following restrictions:

- A. Except as otherwise provided in this chapter no operation may be:
 - 1. Located within the city limits of an incorporated city, except as provided by ordinance of such incorporated city;
 - 2. Located outside an incorporated city, except as provided by this chapter;

3. Located within three hundred (300) yards of any public street, road or highway, except for operations existing at the time of adoption of this chapter;
4. Located within three hundred (300) yards of any private residence (other than the residence of persons associated with the licensed operation) without written consent of the owner of such residence;
5. Located within three hundred (300) yards of any other business establishment (other than another house of prostitution), without written consent of the owner of such other business establishment;
6. Conducted in violation of any city, county, state or federal ordinance, statute, or regulation;
7. Located within five hundred (500) yards of any schoolhouse or schoolroom used by any public or common school in the state;
8. Located within five hundred (500) yards of any church, edifice, building or structure erected for and used for devotional service or religious worship in the state.

B. Operations existing at the time of the adoption of this chapter may continue to exist until the license is issued or denied pursuant to the provisions of this chapter; provided:

1. Application for a license is filed as required in this chapter;
2. The license fee is filed as required in this chapter;
3. The application/investigative fee is filed as required in this chapter.

C. All houses of prostitution shall be designated by:

1. One sign no larger than twenty four (24) square feet, to be located on the entrance of the house of prostitution and to contain the following words and no others:

BROTHEL

or

HOUSE OF PROSTITUTION

(name of the establishment)

2. The board may allow such other sign(s) as in the board's determination is found to be necessary to the safety and welfare of the inhabitants of a particular area within the county;
3. Signs shall not be placed in locations prohibited by Nevada Revised Statutes 201.430.
4. No signs may be placed anywhere in the county advertising the brothel or associated businesses on the same property. No print advertising is allowed anywhere in the county with the same restrictions of other businesses on the same property. Notwithstanding the above, advertising within the premises on matchbooks or any type of print advertising is allowed. See Section C.2.
5. Any bar or saloon operated on the same premises must have a substantially different name than the brothel.

D. No license to conduct a house of prostitution shall be issued until an inspection by the appropriate state and/or county health officer and the county sheriff reveal that the establishment complies with each of the following minimum requirements:

1. A source of water must be available to facilitate cleaning. All sources of water, including, but not limited to, wells, must be approved by the appropriate state and county agencies;
2. A sewage disposal system approved by the state board of health;
3. Lavatories or washbasins provided with running water shall be installed in either the toilet room or the vestibule. Lavatories or washbasins shall be provided with soap in a dispenser and with sanitary towels;
4. Red exterior lighting on the premises shall be limited to three (3) lights, each with a total wattage no greater than two hundred (200) watts;
5. Every portion of a house of prostitution, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition;

6. All houses of prostitution shall provide clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved, sanitary manner. Approved receptacles shall be provided for storage of soiled linen and paper towels;
7. Rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the house of prostitution is in operation. Bathtubs shall be thoroughly cleaned after each use;
8. The use of condoms is mandatory in houses of prostitution and a sign that states "CONDOMS ARE MANDATORY" must be displayed in a conspicuous place so that the same may be readily seen by persons entering all rooms, compartments, or areas wherein acts of prostitution are performed;
9. No licensee, their agents or employees, either directly or indirectly, shall place, publish, distribute or cause to be placed, published or distributed any advertisement, picture or statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive, or misleading in order to induce any person to purchase or utilize the house of prostitution services.

E. No person issued a brothel license, their agents or employees, shall arrange, conduct or perform any escort, outcall, outdate or similar service. (Ord. 434, 2012)

F. The Sheriff shall inspect the premises of each brothel at least quarterly for compliance with this chapter.

9.20.140: REGISTRATION OF LICENSEES AND EMPLOYEES:

A. Every licensee and employee shall be registered with the sheriff on the forms provided by the sheriff, which shall include the following as a minimum, plus such other information as the sheriff may, from time to time, deem necessary. A referral slip or request for registration from a house of prostitution shall accompany the registration form for a prospective employee:

1. The name, age, address, sex, physical description, social security number, date of birth of the licensee or employee;
2. Full disclosure of all assumed or fictitious names used;

3. A photograph and full set of fingerprints taken by the sheriff;
4. Complete employment record of employees for the preceding five (5) years;
5. All addresses of employees for the preceding five (5) years;
6. A list of all prior arrests, prior convictions of the employee, which list shall include a statement of each offense, the place and date of its occurrence, and/or date and place of convictions;
7. Each prostitute shall have a current and valid health certificate provided by a physician duly licensed by the state;
8. The form shall include A waiver to be signed by the employee, allowing the past employment and criminal records of the employee to be open for examination by the properly designated authorities of the county. A waiver, by employees, shall include any physician-patient privilege with respect to medical records as may exist.

B. The sheriff shall investigate, through all available means, the accuracy of all information supplied by the employee on the registration form and shall require that each employee furnish him with sufficient means of identification.

C. No person shall be employed by the licensee in connection with the licensed operation who:

1. Has ever been convicted of a felony involving moral turpitude;
2. Has made any intentional false statement or omission in the registration form;
3. Is under twenty one (21) years of age.

D. If upon examining the registration form and conducting his investigation, the sheriff finds the registrant to be suitable for license or employment in a house of prostitution, a house of prostitution registration card shall be issued to the registrant, and shall contain:

1. Names, age, and physical description;
2. Photograph and signature of the cardholder;

3. Name of the house of prostitution where the person is employed.
- E. No employee shall work in a licensed house of prostitution until first having received a registration card and having such card in the employee's personal possession during hours when the employee is in the house of prostitution. The licensee shall maintain a current, accurate list of employees.
- F. A registration shall be valid for only the employee's current place of employment and must be renewed quarterly, on or before the first day of the quarter (January 1, April 1, July 1 and October 1), semiannually, on or before July 1, or annually, on or before January 1 of the following year. Upon a change of employment from one house of prostitution to another, an employee must reregister, pay the registration fee as required in this chapter, and be issued a new registration card for the new place of employment.
- G. The registration for licensee(s) shall be renewed quarterly, on or before the first day of the quarter (January 1, April 1, July 1 and October 1).
- H. A fee as required in this chapter shall accompany the registration for each registration period, or any portion thereof, and for each reregistration. (Ord. 434, 2012)

9.20.145: DISPLAY OF REGISTRATION CARD:

Registration cards issued under section 9.20.140 of this chapter shall remain the property of the licensing authority. Upon commencement of employment, all licensed personnel shall provide their registration card to the brothel owner or manager. The brothel owner or manager shall maintain possession of the registration card at the brothel at all times except as stated below. The brothel owner shall ensure the return of all registration cards to the Nye County sheriff's office within five (5) working days of the expiration of the card or separation of employment, whichever shall first occur. (Ord. 434, 2012)

9.20.150: HEALTH EXAMINATIONS OF PROSTITUTES AND TESTS:

- A. Medical examinations for all prostitutes working in a house of prostitution, must, at no cost to the county:
 1. Be performed at least every seven (7) calendar days;

2. Be performed by a physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state;
3. Include tests specified by the division of Health of the Nevada department of human resources for the detection and diagnosis of venereal diseases, including, but not limited to, weekly tests for lymphogranuloma venereum and/or the presence of the microorganism chlamydia trachomatis, and weekly tests for gonorrhea using an endocervical culture technique. All cultures made in the completion of such tests shall be processed at licensed and approved clinical laboratories;
4. Include such other medically approved tests for determining whether the prostitute is afflicted with any infectious or contagious disease, as required by chapter 441A of the Nevada Administrative Code, as amended, and other medically approved tests deemed advisable by the examiner, and must include initial/preemployment examination and testing, and retesting monthly thereafter, to determine the presence or absence of the human immunodeficiency virus, as required by said chapter 441A;
5. Be performed at the location of the licensed operation, at the examiner's office, or at a hospital or clinic, as determined by the examiner;
6. Prostitutes must furnish their house of prostitution registration Card to the medical examiner, as defined in subsection A2 of this section, before being examined for the detection of gonorrhea, human immunodeficiency virus, or other infectious or contagious disease.

B. After the examination, the examiner must:

1. Issue to a prostitute examined and found not to be afflicted with venereal disease or other contagious or infectious disease, a certificate so stating. The certificate must bear the name and house of prostitution registration card number of the prostitute to whom such certificate is issued;

2. Refuse to issue such certificate if the prostitute is found to be, or suspected of being afflicted with venereal disease or other contagious or infectious disease, and immediately advise the licensee who shall remove the prostitute from service;
3. Report to the board and the sheriff immediately the existence of any condition on the premises of the house of prostitution, which, in the professional opinion of the examiner constitutes a health or safety hazard to the patrons, employees or public, together with his or her recommendations for correcting the condition.

C. Licensees of houses of prostitution must Sign the medical certificates of all prostitutes working in the respective licensed operations. Such signature shall be considered by the board as verification by the licensee that the holder of that medical certificate is the same prostitute to whom the corresponding house of prostitution registration card was issued.

D. Weekly/monthly medical examination results for all prostitutes working at a house of prostitution must be furnished to the sheriff by the licensee.

E. The medical examination records of each prostitute shall be open for examination at any time by the properly designated authorities of the county, and each prostitute, by accepting employment in any licensed house of prostitution, shall be deemed to have waived any physician-patient privilege with respect to such records as may otherwise exist.

F. Any prostitute who will work in any house of prostitution licensed hereunder without being in possession of such required medical certificate for the then current seven (7) day period shall, in addition to any other penalty, be subject to "sanctions" as defined in this chapter, except that a prostitute may be on or in the premises during the time that prostitute is waiting for health test results and issuance of proof of registration by the sheriff; provided, that the prostitute be able to demonstrate the test results are pending upon which the issuance of proof of registration by the sheriff depends, and further provided that the prostitute performs no acts described in the definition of "prostitution" in section 9.20.020 of this chapter whether or not such acts may be performed for a fee or other consideration.

Every prostitute who is off the brothel premises in excess of twenty-four (24) hours shall be subject to all the medical testing requirements set forth in this chapter and any other applicable state laws and regulations.

- G. Any licensee who knowingly permits any prostitute to work in their house of prostitution in violation of this section shall, in addition to any other penalty, be subject to "sanctions" as defined in this chapter.
- H. The health certificate of each prostitute shall be available for inspection at the licensed location. (Ord. 434, 2012)

9.20.160: GENERAL PROHIBITIONS:

It is unlawful:

- A. For any person under the age of twenty one (21) years to enter or be a patron of any house of prostitution;
- B. For a licensee of any licensed house of prostitution, or for any employee of such licensee, to compel, entice, encourage, permit or suffer any person under the age of twenty one (21) years to enter or be a patron of any licensed house of prostitution;
- C. For any licensed operation, licensee, or for an employee of any licensee, to sell, dispense, or give away any alcoholic beverages to anyone under the age of twenty one (21) years upon the premises of a licensed house of prostitution;
- D. For any person to engage in prostitution or solicitation therefor, except in a house of prostitution licensed under this chapter;
- E. For a licensee, agent or employee of a licensee, or anyone acting on behalf of any such person to allow anyone who has tested positive to the human immunodeficiency virus, in a test approved by the state board of health and who has received written notice of that fact, to work as a prostitute in any licensed operation. (Ord. 434, 2012)

9.20.165: EMERGENCY SUSPENSION BY SHERIFF:

- A. The sheriff, with the concurrence of the chairman of the licensing board, or if the chairman is unavailable, the vice chairman, may, for cause and without prior notice, suspend any license issued under this chapter until the next meeting of the licensing board for which the matter may be agendized in compliance with the Nevada open meetings law. The sheriff shall, within forty eight (48) hours of the suspension, give written notice of the suspension to the licensee and the board, and notice shall be personally given to the person in charge at the location. For the purpose of this section, "cause" shall be defined in section 9.20.170 of this chapter.
- B. At the next meeting of the licensing board for which the matter may be agendized in compliance with the Nevada open meetings law, the board shall determine whether such suspension shall be rescinded, but if the board decides that the suspension shall continue and remain in effect, then, and in such event, the proceedings prescribed in this chapter relative to the maintenance of such license suspension and/or revocation with required notice and hearing shall be initiated as soon as possible and complied with. (Ord. 434, 2012)

9.20.170: SUSPENSION OR REVOCATION OF LICENSE; SUSPENSION OR REVOCATION OF REGISTRATION CARD; DISCIPLINARY PROCEEDINGS:

- A. The board may impose "sanctions", as defined in this chapter, for any of the following causes:
 - 1. Any cause that would constitute grounds for denial of a license or registration card;
 - 2. Violation of this chapter or conviction of any other county ordinance, state or federal law or regulation involving moral turpitude by a licensee or employee;
 - 3. The licensee knowingly permitting the existence of any health or safety hazard upon the premises occupied by the licensed operation or employing any person as a prostitute when such person does not have a current and valid health certificate;
 - 4. Refusal of the licensee or employee to comply with any lawful order issued by the board;

5. Any cause which the board may determine, after hearing, as provided in this chapter, to be deleterious to the health, safety, morals and general welfare of the general public;
6. If a licensee, agent or employee, or anyone acting on behalf of such person suffers a criminal conviction for a violation of Nevada Revised Statutes 201.430 or 201.440.

B. Except as otherwise provided in this chapter, before taking any disciplinary action against the licensee or employee the board shall:

1. Provide the licensee or employee against whom the proceedings are brought, written specifications charging the licensee or employee with the acts or failures upon which the disciplinary proceedings are brought. The charging instrument shall be subscribed to and verified. The respondent must answer within ten (10) days after service of the charging instrument. Service shall be effected in the same manner as provided in this chapter for service of the notice of hearing;
2. The respondent's answer must:
 - a. State in short and plain terms the defenses to each claim asserted;
 - b. Admit or deny the facts alleged in the charging instrument;
 - c. State which allegations he/she is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied;
 - d. Affirmatively set forth any matter which constitutes an avoidance or affirmative defense;
 - e. May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing, and to judicial review of any decision or order of the board, but the board may order a hearing even if respondent so waives his/her right;
3. Failure to answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the charging instrument. The board may take action based on such an admission and on other evidence without further notice to the respondent. If the board

takes action based on such an admission, it shall include in the record what evidence such action was based on;

4. Give written notice of hearings, providing the time, date and place;
5. Notice of hearing shall be served upon the licensee or employee or posted upon the premises of the house of prostitution;
6. Conduct a hearing upon the charges alleged against the licensee or employee. (Ord. 434, 2012)

9.20.180: HEARINGS:

- A. At all hearings before the board, the following procedure shall apply:
 1. Oral testimony may be taken only upon oath administered by the clerk;
 2. The parties to the hearing have the right to:
 - a. Call and examine witnesses,
 - b. Introduce exhibits relevant to the issues of the case, including transcripts of testimony at any previous hearing conducted by or on behalf of the board,
 - c. Introduce transcripts of hearings conducted in courts of record of the state, any other state, and courts of the United States,
 - d. Cross examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered on direct examination,
 - e. Impeach any witness regardless of which party first called him to testify, and
 - f. Offer rebuttal evidence;
 3. If the respondent does not testify in his or her own behalf, he/she may be called and examined as if under cross examination;

4. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action;
5. The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection;
6. The board may take official notice of any generally accepted information and of any other fact which may be judicially noticed by the courts of this state. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the board;
7. Consider all evidence and testimony in support of and in opposition to the charges;
8. Enter in the minutes of the board the findings, conclusions, decision and action taken by the board. Any sanctions imposed upon a licensee or employee by the board may include expenses and costs of the proceedings.

B. Notice of the board's findings, decision and order shall be served upon the licensee or employee, or posted upon the premises of the licensed operation.

C. Any suspension, limitation, restriction or revocation of a license or registration card shall be effective upon service or posting notice of the same.

D. Upon issuance and service of the order, the licensee or employee shall immediately cease the proscribed activity.

E. A return of service shall be filed with the clerk by the person effecting such service. (Ord. 434, 2012)

9.20.190: ABSENTIA OWNERSHIP PROHIBITED:

All licensees and their managers must be available to the board at all times, and cannot operate the premises from addresses located in other states. (Ord. 434, 2012)

9.20.200: LICENSE NOT TRANSFERABLE:

- A. No license granted under this chapter may be transferred.
- B. All licenses granted under this chapter shall be for operations conducted on the property described in the application only, and no operation shall be added to or removed without a new license application and approval. (Ord. 434, 2012)

9.20.210: TRANSFER OF OWNERSHIP OR INTEREST:

- A. Licensee(s) shall not sell, lease, barter, hypothecate or give away any interest in, or create or enter into any trust agreement or any agreement of any sort relative to any operation or premises, or any portion of such operation or premises, without notification to and receiving prior approval from the board.
- B. Nothing contained in subsection A of this section shall prevent the licensee(s) from surrendering the license to the board and immediately terminating operations and/or the operation. (Ord. 434, 2012)

9.20.220: DISPLAY OF LICENSE:

Every person to whom or for whom a license shall have been granted pursuant to the provisions of this chapter shall display such license in a conspicuous place within the house of prostitution so that the same may be readily seen by persons entering the premises. (Ord. 434, 2012)

9.20.230: FEES:

The fees are adopted by Resolution and will be periodically reviewed. The Resolution will include but is not limited to:

- A. Application/Investigative Fee: Each application for a license to operate or conduct a house of prostitution.

1. Any applicant whose place of business will be conducted by a manager or agent, and any brothel licensee who, pursuant to subsection 9.20.0909.20.090R of this chapter, is required to submit an amended application or is required to report the change of a manager or agent.
2. The board may require payment of supplementary investigative fees, as necessary, as a condition precedent to continuing an investigation.
3. The board will not take final action with respect to any application until all investigative fees have been paid in full.

B. License Fee: Every licensed operation shall pay an annual fee, or any portion thereof, as established by resolution.

C. Registration Fee:

1. A registration fee shall be required for each calendar quarter, or any portion thereof, and for each registration or reregistration required under section 9.20.140 9.20.140 of this chapter. All registration fees will be deposited into the general fund and a portion may be distributed to the veterans' service fund during each budget cycle.
2. An annual registration card shall be issued to each person registering or reregistering, pursuant to the requirements of section 9.20.140 of this chapter. Upon payment of each quarter's registration fee, the annual card shall be "punched" to certify current registration.

D. Fees Nontransferable: The fee paid by one licensee shall not inure to the benefit of another licensee.

E. Proration: No proration of any required fee shall be allowed or granted unless provided in this chapter.

F. Registration Cards: The registration fee so paid shall be evidenced by the registration card. Each licensee shall be responsible to ensure that each employee has a current registration card. The licensee shall immediately notify the sheriff of the termination of any employee from the licensed location.

- G. Collection of Fees: All fees shall be collected and disposed of by the sheriff in the manner provided in chapter 364 of Nevada Revised Statutes.
- H. Fees Nonrefundable: Unless otherwise provided in this chapter, no fees collected pursuant to the provisions of this chapter, or portions thereof, are refundable. (Ord. 466, 2014: Ord. 434, 2012)

9.20.240: TIME LIMIT FOR FILING APPLICATION FOR LICENSE:

- A. Any person who currently operates a house of prostitution in the county must apply for relicensing or licensing as provided in this chapter, and must conform to the provisions of this chapter from and after the effective date hereof.
- B. Any person seeking to operate a house of prostitution in the county must apply for licensing as provided in this chapter, and must conform to the provisions of this chapter from and after the effective date hereof.
- C. Upon filing the application mentioned in subsection A of this section, persons currently operating a house of prostitution may be granted a temporary permit (effective as of the effective date hereof), for a reasonable length of time to allow processing of the application; provided, however, that all fees are paid as required by this chapter.
- D. Permittees and their employees shall be subject to all requirements in this chapter immediately upon the effective date hereof. No vested rights inure to a permittee.
- E. If this chapter becomes effective during a calendar quarter, permittees may be given credit for fees heretofore paid. (Ord. 434, 2012)

9.20.250: VIOLATION; PENALTY:

Any person violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 434, 2012)

9.20.260: CONSTITUTIONALITY:

If any section, clause or phrase of this chapter shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this chapter shall continue in full force and effect. (Ord. 434, 2012)

9.20.270: REPEAL:

Any and all ordinances or regulations or parts of ordinances and regulations licensing and regulating prostitution in the county in conflict with this chapter are repealed including, but not limited to, Nye County ordinance 122. (Ord. 434, 2012)

9.20.280: SEVERABILITY:

If any provision or part of this chapter shall be declared by a court of competent jurisdiction to be illegal or unconstitutional, it shall in no way affect the remainder of this chapter or any section thereof, it being intended that the remainder shall remain in full force and effect. (Ord. 434, 2012)

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 26th day of June, 2017.

Proposed on the 18th day of April, 2017

Proposed by: Commissioner Koenig

Adopted on the 6th day of June, 2017.

Vote: Ayes: Commissioners: Schinhofen, Koenig, Wichman, Cox

Nays: Commissioners: Borasky

Absent: Commissioners: 0

BY: John Koenig for _____
Dan Schinhofen, Chairman
Nye County Board of
County Commissioners

ATTEST: Sandra L. Merlino DEPUTY CLERK
Clerk and Ex-Officio
Clerk of the Board