

# NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

<b>Department:</b> Board of County Commissioners		<b>Agenda Date:</b>	
<b>Category:</b> Timed Agenda Item – 10:00 a.m.		<b>December 17, 2019</b>	
<b>Contact:</b> Commissioners Koenig & Strickland		Phone:	Continued from meeting of:
<b>Return to:</b>	<b>Location:</b>	Phone:	
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$) and terms)  Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-07: A Bill proposing to amend Nye County Code Title 9, Public Peace, Morals and Welfare, relating to Chapter 9.20, Prostitution; providing for the severability, constitutionality and effective date thereof, and other matters properly relating thereto; and 2) Set an effective date.			
<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)  Staff recommends adoption of the Bill with an effective date of January 6, 2020.			
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
<b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)			
<input checked="" type="checkbox"/> No financial impact			

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date <i>NA</i>
5.	Date	10. County Manager	Date

☐ Place on Agenda

ITEM # 10

BILL NO. 2019-07

NYE COUNTY ORDINANCE NO. XXX

SUMMARY: A Bill proposing to amend Nye County Code Title 9, Public Peace, Morals and Welfare, relating to Chapter 9.20, Prostitution; providing for the severability, constitutionality and effective date thereof, and other matters properly relating thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, RELATING TO CHAPTER 9.20, PROSTITUTION; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of County Commissioners ("Board") is authorized to amend the Nye County Code; and

**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**, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**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. or nuisance and is designed to promote public trust through strict regulation which will protect the public health, safety, morals and welfare of the residents of the County. (Ord. 515, 2017)

**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,~~ applying to the Board for a license, 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.

**COURTESAN:** See PROSTITUTE

**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 for~~ maintenance, repair, bartending, cooking, housekeeping, chauffeuring or any other purpose related to the interests of a "house of prostitution" operation of the Brothel, other than Courtesan, Managers, or Key Employees, as defined in this section.

**FEE:** License fee, application/investigation fee, and ~~registration~~ Work Card fee.

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

**KEY EMPLOYEE:** Any person designated by the Licensee and authorized by the Licensee to exercise Operational Control, as defined in this section, over decisions involving a Brothel and approved by the Board.

**LICENSE:** A license issued by the Board authorizing a person to operate a ~~house of prostitution~~ Brothel.

LICENSE DEPARTMENT: The License Department of Nye County, Nevada.

~~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~~ brothel duly licensed and operated in accordance with the provisions of this chapter.

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

MANAGER: A person, other than the Licensee, having authority given him or her by the Licensee to manage and conduct the regular business affairs of a Brothel.

OPERATIONAL CONTROL: The control of, or the ability to control, any substantial business decision involving a Brothel.

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~~ Brothels as defined in this section, including the real property and all improvements and structures thereon, where ~~houses of prostitution~~ Brothels 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. The word 'Courtesan' is interchangeable with the word 'prostitute'.

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

REGISTRANT: Those ~~persons and~~ Licensees, Key Employees, employees or Courtesans required to ~~register with the Board and/or Sheriff~~ obtain a Work Card through the Nye County Sheriff's Office under the provisions of this chapter.

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

~~SEX WORKER: See definition of 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"~~ "Sexual Conduct" as defined in this section; or
- B. Offers to engage in ~~"sexual conduct"~~ "Sexual Conduct" as defined in this section. (Ord. 543, 2018)

WORK CARD: Documentation issued by the Nye County Sheriff's Office to Licensees or persons who qualify to be Employees or independent contractors of a Brothel.

#### **9.20.030: LICENSE REQUIRED:**

Any person who ~~engages in prostitution~~ works as a Courtesan or operates a ~~house of prostitution~~ Brothel without first having obtained a license and having paid the license fee as provided in this chapter is guilty of a misdemeanor. (~~Ord. 515, 2017~~)

#### **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.
- C. The Board may meet on the days the Board of County Commissioners set meetings and additional meetings pursuant to ~~section~~ Nye County Code 2.04.010 ~~of this Code.~~ (~~Ord. 515, 2017~~).

#### **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 one 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. 515, 2017)

#### **9.20.060: APPLICATION GENERALLY:**

- A. It is the declared policy of the Board that all establishments, where ~~houses of prostitution~~ Brothels 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~~ Brothels 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. 515, 2017)

#### **9.20.065: PROVISIONAL PERMIT**

- A. Upon the filing of an application as detailed in 9.20.080, a Person currently operating a Brothel may be granted a provisional permit, for a reasonable amount of time to allow processing of the application; provided however, that all Fees are paid as required by this chapter.
- B. Permittees and their Key Employee(s), Manager(s), Employee(s), or Courtesan(s) shall be subject to all requirements of this chapter immediately upon the issuance of the provisional permit. No vested rights insure to a permittee.

#### **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. 515, 2017~~)

#### **9.20.080: LICENSE APPLICATION; FILING:**

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

- A. Make application to the License Department 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 Nye County Sheriff for investigation to determine suitability for approval or consent of the Board to receive a license. (Ord. 543, 2018)

#### **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 current addresses of persons who, in addition to the Licensee, are or will be personally responsible for the conduct and management of the operation, ~~in addition to the licensee~~including but not limited to Key Employees;
- C. At the time of application, a photograph and a complete set of fingerprints of the Applicant and all persons listed in required pursuant to 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~~~~reviewed~~ 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~~ Brothel 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 or LLC, 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 or LLC, 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~~~~registered~~ agent, names and ~~residence~~~~residential~~ addresses of each of the officers, directors and each stockholder holding stock in the corporation; and the Key Employees. If the applicant is a partnership or limited partnership, the application shall set forth the ~~name~~~~names~~ and ~~residence~~~~address~~~~residential~~ addresses of each of the partners, including limited partners and the Key Employees. 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~~ Brothel will be ~~conducted~~ operated by a ~~manager or agent~~ Key Employee must provide all ~~of the~~ information required set forth 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 the Key Employee application ~~which includes all of the information required in this section for and about the designated manager or agent~~. Whenever the ~~manager or agent~~ Key Employee who is conducting the business of a brothel changes, the ~~holder of the brothel license~~ Licensee must inform the License Department of the change in writing within twenty-four (24) hours, and must submit to the License Department ~~all of the information required by this section for and about the new manager or agent~~ a new application and must pay an additional nonrefundable application Fee for each designated new Key Employee within fifteen (15) calendar days of the change. The information will be submitted on the forms provided by the License Department. Other changes to the application must be updated at the time of the next annual renewal. (Ord. 543, 2018)

#### **9.20.100: LICENSE APPLICATION; INVESTIGATION:**

- A. The Nye County 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, as defined in this chapter;
  2. An interview ~~with each applicant, such interview may be~~ either personal, by telephone or by mail as determined by the Nye County Sheriff, ~~with each Applicant, as defined in this chapter~~;
  3. An interview, either personal, by telephone or by mail, with all Key Employees stated on the License application. All other Employees and prior or current employers of the applicant ~~and business associates of the applicant~~, as ~~shown by~~ stated on the License application will be interviewed at the discretion of the Nye County Sheriff;

4. Examination of the ~~audited~~ reviewed 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 Nye County 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 Nye County 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. 515, 2017~~)

#### **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~~ Brothel, 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~~ Brothels 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~~ Brothel, the Board may issue a license, which license shall state:
1. The ~~names~~ name and ~~addresses~~ address of ~~all licensees~~ the Licensee connected with the operation;
  2. The name and 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.D.~~ All licenses shall be issued ~~for a quarterly period~~ on an annual basis from the date of issuance;
- ~~7.E.~~ Thirty (30) ~~Sixty (60)~~ calendar days before the expiration date of any License, ~~licensees~~ Licensee shall apply to the License Department on the form ~~as prescribed by the Board~~ provided for renewal;
- ~~8.F.~~ Failure of any licensee to apply for a renewal, as required in subsection ~~C7-E~~ 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.G.~~ The issuance and acceptance of a license shall constitute an undertaking and agreement by the licensee and ~~his agents~~ the Licensee's and Key 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 Nye County Sheriff, County 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.H.~~ 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;

~~11-1.~~ Any license issued under the provisions of this chapter is for the purpose of maintaining a licensed ~~house of prostitution~~ Brothel only, and does not entitle the holder thereof to sell, dispense or give away any alcoholic beverages. (Ord. 543, 2018)

#### **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~~ Brothel.
- 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~~ Licensed Operation 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. ~~Who is Aa~~ 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~~Whose business is conducted by a ~~manager or agent~~ Key Employee, unless the ~~manager or agent~~ Key Employee 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~~Brothel 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~~Brothel in or upon such premises. (~~Ord. 515, 2017~~)

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

The Board shall limit the number of licensed ~~operations~~Brothels located within the legally designated boundary of the unincorporated Town of Amargosa Valley to one or less. (~~Ord. 515, 2017~~)

#### **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~~Brothel), 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~~ Brothels 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;~~
    1. By signs(s) approved by the Board.
  - ~~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. See section C.2. Notwithstanding the above, advertising within the premises on matchbooks or any type-kind of print advertising is allowed. See subsection C2 of this section.~~
  - ~~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~~ Brothel shall be issued until an inspection by the appropriate State and/or County Health Officer and the Nye 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;~~
  - ~~5.4.~~ Every portion of a ~~house of prostitution~~ Brothel, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition;
  - ~~6.5.~~ All ~~houses of prostitution~~ Brothels 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;
  - ~~7.6.~~ Rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the ~~house of prostitution~~ Brothel is in operation. Bathtubs shall be thoroughly cleaned after each use;
  - ~~8.7.~~ The use of condoms is mandatory in ~~houses of prostitution~~ Brothel 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;
  - ~~9.8.~~ 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~~ Brothel services.
- E. No person issued a brothel license, their agents or employees, shall arrange, conduct or perform any escort, outcall, outdate or similar service.
- F. The Nye County Sheriff shall inspect the premises of each brothel at least quarterly for compliance with this chapter. Each brothel may be subject to random inspections. (~~Ord. 543, 2018~~)

**9.20.140: REGISTRATION OF LICENSEES REQUIREMENT AND EMPLOYEES APPLICATION FOR WORK CARD:**

A. Every ~~licensee~~ Key Employee, Courtesan, and Employee shall be registered with the Nye County Sheriff on the forms provided by the Sheriff, ~~which and is required to have a Work Card.~~ Licensees are not required to obtain a Work Card, unless they are required to obtain a Work Card pursuant to this chapter, i.e., the Licensee is acting as a Key Employee, or Employee. The Work Card application form shall include the following ~~as a minimum information,~~ 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 individual's name, age, address, sex, physical description, social security number, and 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 at which the Registrant has resided~~ for the preceding five (5) years; and
6. ~~A list of all prior arrests, and prior convictions of the employee,~~ which list shall include a statement of each offense, the place and date of its occurrence, and/or the date and place of convictions; if applicable.

B. All Work Card application forms shall be accompanied by the following:

1. A referral slip or request for Work Card application from a Brothel for a prospective Key Employee, Courtesan, or Employee;
2. A copy of 7. Each prostitute shall have a current and valid health certificate provided by a physician duly licensed by the State, if the individual will be a Courtesan;
8. ~~The form shall include~~ 3. A photograph and full set of fingerprints taken by the Nye County Sheriff;
4. ~~A~~ a waiver to be signed by the ~~employee~~ Licensee, Key Employee, Courtesan, or Employee allowing the past employment and criminal records of the Licensee, Key Employee, Courtesan or Employee to be open for examination by the properly designated authorities of the County. A waiver, by ~~employees,~~ the Courtesan shall include any physician-patient privilege with respect to medical records as may exist.

~~B.C.~~ The Nye County Sheriff shall investigate, through all available means, the accuracy of all information supplied by the Licensee, Key Employee, Courtesan, or Employee on the ~~registration~~ Work Card application form and shall require that each Licensee, Key

Employee, Courtesan, or Employee furnish him or her with sufficient means of identification.

~~CD.~~ No person shall be ~~employed by the licensee in connection with the licensed operation~~ issued a Work Card who:

1. Has ever been convicted of a felony involving ~~moral turpitude~~ a crime of a sexual nature, a sexual crime involving children, or a heinous crime;
2. Has made any intentional false ~~statement~~ statements or ~~omission~~ omissions in the registration form;
3. Is under twenty-one (21) years of age.

~~DE.~~ If upon examining the ~~registration~~ application form and conducting his or her investigation, the Nye County Sheriff finds the registrant to be suitable for ~~license or~~ employment in a ~~house of prostitution, a house of prostitution registration~~ Brothel, a Work Card shall be issued to the registrant, and shall contain:

1. Names, age, and physical description;
2. Photograph and signature of the cardholder;
- ~~3. 3.~~ Name of the ~~house of prostitution~~ Brothel where the ~~person~~ Registrant is employed; and
4. Designated job position.

~~EF.~~ No Licensee, Key Employee, Courtesan or Employee shall work in a licensed ~~house of prostitution~~ Brothel until first having received a ~~registration~~ Work Card and having such card in ~~the employee's personal possession~~ his or her immediate access during hours when the employee is in the ~~house of prostitution~~ Brothel. 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~~ G. Work Cards must be renewed:

1. Courtesan: Brothel must be renewed quarterly, on or before the first day of the quarter (January 1, April 1, July 1 ~~and, or~~ October 1), ~~semiannually, on or before July 1, or annually, on or before January 1 of the following year~~.
- a. A Courtesan's Work Card shall be valid for only the Courtesan's current Brothel and shall not be valid at any other Brothel.
- b. —Upon a change of employment from one house of prostitution Brothel to another, an employee a Courtesan must reregister reapply for a Work Card, pay the registration Work Card application Fee as required, in

2. All other Key Employees, Employees, and any Licensees that are required to obtain a Work Card pursuant to this chapter, and be issued a new registration card for the new place of employment must be renewed annually, on or before July 1, the start of the fiscal year, of the following year.

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 pursuant to~~ this chapter shall accompany the ~~registration-Work Card application~~ for each ~~registration-application~~ period, or any portion thereof, and for each reregistration. (Ord. 515, 2017) Applicant.

#### 9.20.145: DISPLAY OF REGISTRATION CARD:

~~Registration-Work~~ Cards issued under section ~~9.20.140~~ 9.20.140 of this chapter shall remain the property of ~~the licensing authority~~ Nye County. Upon commencement of employment, all ~~licensed-registered~~ personnel shall ~~provide have~~ their ~~registration card to the brothel owner or manager. The brothel owner~~ Work Cards in immediate access during hours when the Registrant is in the Brothel. The Licensee, or manager ~~Key Employee~~ shall not maintain possession of the ~~registration card at the brothel at all times except as stated below. The brothel owner~~ Work Card. The Registrant shall ensure the return of all ~~registration-Work~~ 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. 515, 2017)

#### 9.20.150: HEALTH EXAMINATIONS OF ~~PROSTITUTES~~ COURTESANS AND TESTS:

- A. Medical examinations for all ~~prostitutes~~ Courtesans working in a ~~house of prostitution~~ Brothel, 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~~ State Board of Health ~~of the Nevada Department of Human Resources (NAC 441A)~~ 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, urethra swabs, or rectal swabs. 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~~ Courtesan 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~~ Brothel, 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~~ Courtesan 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~~ Courtesan 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~~ Courtesan from service;
- ~~3. Report to the Chairman of the Licensing Board, Sheriff, County Manager, and License Department 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~~, or a designated Manager or Key Employee, of a Brothel must:

1. sSign the medical certificates of all ~~prostitutes~~ Courtesans working in the respective ~~licensed operations~~ Brothels. Such signature shall be considered by the Board as verification by the licensee that the holder of that medical certificate is the same ~~prostitute~~ Courtesan to whom the corresponding ~~house of prostitution registration~~ Brothel Work Card was issued.
2. Report to the Nye County Sherriff by providing a written report within twenty-four (24) hours of the existence of any condition on the Premises of the Brothel which constitutes a health or safety hazard to the patrons. Employees or public, together with his or her plan for correcting the condition.

- D. Weekly/monthly medical examination results for all ~~prostitutes~~ Courtesans working at a ~~house of prostitution~~ Brothel must be furnished to the Nye County Sheriff by the Licensee within twenty-four (24) hours of the medical determination.
- E. The medical examination records of each ~~prostitute~~ Courtesan shall be open for examination at any time by the properly designated authorities of the County, and each ~~prostitute~~ Courtesan, by accepting employment in any ~~licensed house of prostitution~~ Brothel, shall be deemed to have waived any physician-patient privilege with respect to such records as may otherwise exist.
- F. Any ~~prostitute~~ Courtesan who will work in any ~~house of prostitution~~ Brothel licensed hereunder without being in possession of such required medical certificate for the then current ~~seven~~ ten (710) day period shall, in addition to any other penalty, be subject to ~~"sanctions"~~ "Sanctions" as defined in this chapter, except that a ~~prostitute~~ Courtesan may be on or in the premises during the time that ~~prostitute~~ Courtesan is waiting for health test results and issuance of proof of registration by the ~~Sheriff~~ Sheriff's Office; provided, that the ~~prostitute~~ Courtesan is able to demonstrate the test results are pending upon which the issuance of proof of registration by the ~~Sheriff~~ Sheriff's Office depends, and further provided that the ~~prostitute~~ Courtesan performs no acts described in the definition of ~~"prostitution"~~ "Prostitution" in section ~~9.20.020~~ 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, Manager or Key Employee who knowingly permits any ~~prostitute~~ Courtesan to work in ~~their house of prostitution~~ his or her Brothel in violation of this section shall, in addition to any other penalty, be subject to ~~"sanctions"~~ "Sanctions" as defined in this chapter.
- H. The health certificate of each ~~prostitute~~ Courtesan shall be available for inspection at the licensed location. (Ord. 543, 2018)
- I. It is unlawful for a Licensee, Manager, Key Employee, or anyone acting on behalf of any such person who has received written notice that a Courtesan has tested positive for the human immunodeficiency virus, or any venereal diseases, including, but not limited to, lymphogranuloma venereum, chlamydia trachomatis, herpes, hepatitis B, human papillomavirus, trichomoniasis, canceroids, syphilis, gonorrhea in a test approved by the State Board of Health to work as a Courtesan in any Brothel.

#### **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~~ Brothel;

- B. For a licensee of any licensed ~~house of prostitution~~ Brothel, 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~~ Brothel;
- 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~~ Brothel;
- D. For any person to engage in prostitution or solicitation therefor, except in a ~~house of prostitution~~ Brothel 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. 515, 2017)~~

#### **9.20.165: EMERGENCY SUSPENSION BY SHERIFF:**

- A. The Nye County 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~~ placed on an agenda 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, the Board, and the License Department, and notice shall be personally given to the ~~person in charge~~ Licensee and/or Key Employee at the ~~location~~ Brothel. For the purpose of this section, "cause" shall be defined in section ~~9.20.170~~ 9.20.170 of this chapter.
- B. ~~At the next meeting~~ The matter of Emergency suspension shall be placed on a Special Meeting Agenda of the Licensing Board ~~for which the matter may be agendized as soon as possible~~ in compliance with the Nevada Open ~~Meetings~~ Meeting Law, and the Board shall determine whether such suspension shall be rescinded, ~~but~~ However, 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. 543, 2018)~~

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

- A. The Board may impose ~~"sanctions"~~ "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 Key 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~~ Courtesan when such person does not have a current and valid health certificate;
  4. Refusal of the Licensee or Key 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 Key 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 Key Employee the Board shall:
1. Provide the Licensee or Key Employee against whom the proceedings are brought, written specifications charging the Licensee or Key Employee with the acts or failures upon which the disciplinary proceedings are brought.
  2. The charging instrument shall be subscribed to and verified. ~~The respondent must answer within ten (10) days after service of the charging instrument.~~
  3. Service shall be effected in the same manner as provided in this chapter for service of the notice of hearing;
  4. Give written notice of hearings, providing the time, date and place;
  5. Notice of hearing shall be served upon the Licensee or Key Employee posted upon the Premises of the Brothel;
  6. Conduct a hearing upon the charges alleged against the Licensee or Key Employee.
- ~~+~~ C. Licensee's response to disciplinary proceeding:
21. 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;

f. Must answer within ten (10) days after service of the charging instrument.

**3D.** 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. 515, 2017)~~

#### **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 Key Employee or posted ~~upon~~ on the ~~premises~~ business entrance 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. 515, 2017)~~

**9.20.190: ~~ABSENTIA-OWNERSHIP PROHIBITED~~ AVAILABILITY OF LICENSEE, KEY EMPLOYEE:**

All Licensees ~~and their managers must be~~ make the Key Employee, the Licensee (or an officer thereof) available to the Nye County Sheriff, Chairman and/or Vice Chairman of the Licensing Board at all times, and cannot operate the premises from addresses located within four (4) hours by telephone or in in other states. (Ord. 515, 2017) person as provided herein.

#### **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. 515, 2017)

#### **9.20.205: EXCEPTION WHEN LICENSE TRANSFERABLE:**

- A. A natural person (or persons) who is the current Licensee of a Licensed Operation may transfer the License to a person other than a natural person (e.g. a business entity) who: (a) is then the owner of an interest in such Licensed Operation, directly or indirectly, and (b) ownership of the Licensed Operation has not changed since the issuance of the original License. In such an instance, both parties shall give written notice of such proposed transfer to the Board, including the names and addresses of the parties, nature of the interest of the current License holder and proposed License holder, and submit a \$5,000 refundable transfer/investigation Fee to the Board.
- B. The Board shall conduct such investigation pertaining to the transfer of the License as it or the Sheriff may deem appropriate and shall report the results thereof to the Board. If the Board does not give notice of disapproval of the proposed transfer of the License within thirty (30) calendar days after the receipt by it of the report of the Board, the proposed transfer of interest will be deemed approved and the transfer of interest may then be effected in accordance with the terms of transfer as submitted to the Board. The parties shall immediately notify the Board when the transfer of interest is actually effected.

#### **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. 515, 2017)
- C. A License granted under this chapter is for operations conducted on the Premises described in the application only, by the Licensee or co-Licensees only, and no Licensee may move Premises without submitting a new License application and obtaining Board approval.
- D. In the event of the death or judicially established disability of a Licensee, the spouse, next of kin, personal representative or guardian of the deceased or disabled Licensee, or any other

co-License, must notify the Board and the Nye County Sheriff in writing within seventy-two (72) hours, of the death or judicially established disability.

- E. In the event of death or judicially established disability of a sole Licensee who holds the sole interest in a Brothel, the License shall be immediately suspended and will be revoke upon confirmation of the death or judicially established disability. The application for a temporary License must be filed within thirty (30) calendar days of the date of death or judicially established disability.
- F. In the event of the death of a Licensee holding a License under an inter vivos trust, or whose ownership of a Brothel passes by way of a trust on the Licensee's death, the succeeding trustee or trustees must be licensed. If the succeeding trustee or trustees are not licensed as the time of the Licensee's death, the Board may authorize the succeeding trustee or trustees to continue operation of the Brothel under a temporary License. The application for a temporary License must be filed within thirty (30) calendar days of the date of death.
- ~~B.G.~~ When the Brothel is owned or operated by more than one Licensee, the remaining co-Licensees may continue to operate the business in the event of the death or disability of a co-Licensee. The remaining co-Licensees may not permit any spouse, heir, next of kin, personal representative or guardian of the deceased or disabled Licensee to take part in operating the Brothel unless or until the person is approved for a temporary License or is approved as a co-Licensee. If a co-Licensee no longer has an interest in the operation of a Brothel and is no longer required to be licensed, the remaining Licensees must notify the Board and Nye County Sheriff immediately that the co-Licensee is no longer a Licensee. The change in status of the co-Licensee is effective on receipt of the notice by the Sheriff or the Board.

#### **9.20.215: TEMPORARY LICENSE UPON DEATH OF LICENSEE**

- A. In the event of the death of a Licensee, the Board may, if satisfied the action is necessary, issue a temporary License to an Applicant for a specific period of time. The temporary License entitles the person named in the application to take part in the operation of the Brothel and receive profits.
- B. A temporary License is nontransferable.
- C. A temporary License may be summarily withdrawn at any time in the discretion of the Chairman of the Board and the Nye County Sheriff without the necessity of a hearing or proceedings for revocation or suspension.
- D. A Brothel may not be operated by a bankruptcy trustee, receiver, or assignee for the benefit of creditors until the Board has either Licensed or temporarily Licensed the trustee, receiver, or assignee.

#### **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. 515, 2017)Brothel.

#### **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~~ Brothel.
1. Any applicant whose place of business will be conducted by a ~~manager or agent~~ Key Employee, and any brothel licensee who, pursuant to subsection ~~9.20.090R~~ 9.20.090 of this chapter, is required to submit an amended application or is required to report the change of a ~~manager or agent~~ Key Employee.
  2. The Board may require payment of extraordinary costs, 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~~ Work Card Fee:**
1. A ~~registration~~ Work Card fee shall be required for each calendar quarter, or any portion thereof, and for each ~~registration or reregistration~~ Work Card application required under section ~~9.20.140~~ 9.20.140 of this chapter. All ~~registration~~ Work Card fees will be deposited into the General Fund and a portion may be distributed to the ~~Veterans'~~ veterans' service fund during each budget cycle.
  2. An annual ~~registration~~ Work Card shall be issued to each person ~~registering or reregistering~~ applying for a Work Card, pursuant to the requirements of section ~~9.20.140~~ 9.20.140 of this chapter. ~~Upon payment of each quarter's registration fee, the annual~~
  3. A quarterly Work Card shall be ~~"punched"~~ issued to ~~certify~~ each Courtesan applying for a Work Card, pursuant to the requirements of section 9.20.140 of this chapter.
  - 2.4. Each Licensee shall be responsible to ensure that each Employee or Courtesan has a current registration Work Card. The Licensee shall submit the Work Card to the Nye County Sheriff within two (2) business days of the termination of any Employee from the Licensed Operation

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.F. Collection of License Fees: All license fees shall be collected and disbursed by the License Department in the manner provided in chapter 364 of Nevada Revised Statutes.~~

~~H.G. Fees Nonrefundable: Unless otherwise provided in this chapter, no fees collected pursuant to the provisions of this chapter, or portions thereof, are refundable. (Ord. 543, 2018)~~

#### **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. 515, 2017)~~

#### **9.20.250: VIOLATION; PENALTY:**

~~Any person violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 515, 2017)~~

#### **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. 515, 2017)

**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. 515, 2017)

**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. 515, 2017)

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional 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, the remaining provisions of this ordinance shall remain continue in full force and effect. (Ord. 515, 2017)

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 \_\_\_\_ day of \_\_\_\_\_, 2019.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2019

Vote: Ayes:                      Commissioners:

Nays:                      Commissioners:

Absent:                      Commissioners:

BY: \_\_\_\_\_  
John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board

DRAFT

BILL NO. 2019-07

NYE COUNTY ORDINANCE NO. XXX

SUMMARY: A Bill proposing to amend Nye County Code Title 9, Public Peace, Morals and Welfare, relating to Chapter 9.20, Prostitution; providing for the severability, constitutionality and effective date thereof, and other matters properly relating thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, RELATING TO CHAPTER 9.20, PROSTITUTION; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of County Commissioners (“Board”) is authorized to amend the Nye County Code; and

**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**, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**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, or nuisance and is designed to promote public trust through strict regulation which will protect the public health, safety, morals and welfare of the residents of the County.

**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, applying to the Board for a license, finding of suitability, approval or consent 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.

**COURTESAN:** See PROSTITUTE

**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 employed for maintenance, repair, bartending, cooking, housekeeping, chauffeuring or any other purpose related to the operation of the Brothel, other than Courtesan, Managers, or Key Employees, as defined in this section.

**FEE:** License fee, application/investigation fee, and Work Card 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.

**KEY EMPLOYEE:** Any person designated by the Licensee and authorized by the Licensee to exercise Operational Control, as defined in this section, over decisions involving a Brothel and approved by the Board.

**LICENSE:** A license issued by the Board authorizing a person to operate a Brothel.

**LICENSE DEPARTMENT:** The License Department of Nye County, Nevada.

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

**LICENSEE:** The Applicant to whom a license has been issued to operate a Brothel as defined in this section.

**MANAGER:** A person, other than the Licensee, having authority given him or her by the Licensee to manage and conduct the regular business affairs of a Brothel.

**OPERATIONAL CONTROL:** The control of, or the ability to control, any substantial business decision involving a Brothel.

**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 Brothels as defined in this section, including the real property and all improvements and structures thereon, where Brothels are located.

**PROSTITUTE:** Any person who, engages in acts of prostitution as defined in this section. The word 'Courtesan' is interchangeable with the word 'prostitute'.

**PROSTITUTION:** Engaging in any act, for a fee, with the purpose of arousing or gratifying the sexual desire of either person.

**REGISTRANT:** Those Licensees, Key Employees, employees or Courtesans required to obtain a Work Card through the Nye County Sheriff's Office under the provisions of this chapter.

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

**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. 543, 2018)

**WORK CARD:** Documentation issued by the Nye County Sheriff's Office to Licensees or persons who qualify to be Employees or independent contractors of a Brothel.

#### **9.20.030: LICENSE REQUIRED:**

Any person who works as a Courtesan or operates a Brothel without first having obtained a license and having paid the license fee as provided in this chapter is guilty of a misdemeanor.

#### **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.
- C. The Board may meet on the days the Board of County Commissioners 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 one 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.

**9.20.060: APPLICATION GENERALLY:**

- A. It is the declared policy of the Board that all establishments, where Brothels 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, Brothels 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.

**9.20.065: PROVISIONAL PERMIT**

- A. Upon the filing of an application as detailed in 9.20.080, a Person currently operating a Brothel may be granted a provisional permit, for a reasonable amount of time to allow processing of the application; provided however, that all Fees are paid as required by this chapter.
- B. Permittees and their Key Employee(s), Manager(s), Employee(s), or Courtesan(s) shall be subject to all requirements of this chapter immediately upon the issuance of the provisional permit. No vested rights insure to a permittee.

**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.

#### **9.20.080: LICENSE APPLICATION; FILING:**

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

- A. Make application to the License Department 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 Nye County Sheriff for investigation to determine suitability for approval or consent of the Board to receive a license. (Ord. 543, 2018)

#### **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 current addresses of persons who, in addition to the Licensee, are or will be personally responsible for the conduct and management of the operation, including but not limited to Key Employees;
- C. At the time of application, a photograph and a complete set of fingerprints of the Applicant and all persons required pursuant to 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 reviewed 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 Brothel 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 or LLC, 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 or LLC, 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 registered agent, names and residential addresses of each of the officers, directors and each stockholder holding stock in the corporation and the Key Employees. If the applicant is a partnership or limited partnership, the application shall set forth the names and residential addresses of each of the partners, including limited partners and the Key Employees. 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 Brothel will be operated by a Key Employee must provide all information set forth in the Key Employee application. Whenever the Key Employee who is conducting the business of a brothel changes, the Licensee must inform the License Department of the change in writing within twenty-four (24) hours, and must submit to the License Department a new application and must pay an additional nonrefundable application

Fee for each designated new Key Employee within fifteen (15) calendar days of the change. The information will be submitted on the forms provided by the License Department. Other changes to the application must be updated at the time of the next annual renewal.

**9.20.100: LICENSE APPLICATION; INVESTIGATION:**

- A. The Nye County 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, as defined in this chapter;
  - 2. An interview , either personal, by telephone or by mail as determined by the Nye County Sheriff, with each Applicant, as defined in this chapter;
  - 3. An interview, either personal, by telephone or by mail, with all Key Employees stated on the License application. All other Employees and prior or current employers of the applicant, as stated on the License application will be interviewed at the discretion of the Nye County Sheriff;
  - 4. Examination of the reviewed 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 Nye County 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 Nye County 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.

**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 Brothel, 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 Brothels 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 Brothel, the Board may issue a license, which license shall state:
  1. The name and address of the Licensee connected with the operation;
  2. The name and address 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;
- D. All licenses shall be issued on an annual basis from the date of issuance;
- E. Sixty (60) calendar days before the expiration date of any License, Licensee shall apply to the License Department on the form provided for renewal;
- F. Failure of any licensee to apply for a renewal, as required in subsection E 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;
- G. The issuance and acceptance of a license shall constitute an undertaking and agreement by the licensee and the Licensee's and Key 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 Nye County Sheriff, County 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;

- H. 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;
- I. Any license issued under the provisions of this chapter is for the purpose of maintaining a licensed Brothel only, and does not entitle the holder thereof to sell, dispense or give away any alcoholic beverages.

#### **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 Brothel.
- 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 Licensed Operation 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. Who is 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. Whose business is conducted by a Key Employee, unless the Key Employee 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 Brothel 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 Brothel in or upon such premises.

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

The Board shall limit the number of licensed Brothels located within the legally designated boundary of the unincorporated Town of Amargosa Valley to one or less.

**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 Brothel), 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 Brothels shall be designated by:
1. By signs(s) approved by the Board.
  2. Signs shall not be placed in locations prohibited by Nevada Revised Statutes 201.430.
  3. 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. See section C.2. Notwithstanding the above, advertising within the premises on matchbooks or any kind of print advertising is allowed.
  4. Any bar or saloon operated on the same premises must have a substantially different name than the brothel.
- D. No license to conduct a Brothel shall be issued until an inspection by the appropriate State and/or County Health Officer and the Nye 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. Every portion of a Brothel, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition;
  5. All Brothels 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;
  6. Rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the Brothel is in operation. Bathtubs shall be thoroughly cleaned after each use;
  7. The use of condoms is mandatory in Brothel 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;
  8. 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 Brothel services.
- E. No person issued a brothel license, their agents or employees, shall arrange, conduct or perform any escort, outcall, outdate or similar service.
- F. The Nye County Sheriff shall inspect the premises of each brothel at least quarterly for compliance with this chapter. Each brothel may be subject to random inspections.

**9.20.140: REQUIREMENT AND APPLICATION FOR WORK CARD:**

- A. Every Key Employee, Courtesan, and Employee shall be registered with the Nye County Sheriff on the forms provided by the Sheriff, and is required to have a Work Card. Licensees are not required to obtain a Work Card, unless they are required to obtain a Work Card pursuant to this chapter, i.e., the Licensee is acting as a Key Employee, or Employee. The Work Card application form shall include the following information, plus such other information as the Sheriff may, from time to time, deem necessary:

1. The individual's name, age, address, sex, physical description, social security number, and date of birth;
  2. Full disclosure of all assumed or fictitious names used;
  3. Complete employment record for the preceding five (5) years;
  4. All addresses at which the Registrant has resided for the preceding five (5) years; and
  5. A list of all prior arrests and prior convictions, which list shall include a statement of each offense, the place and date of its occurrence, and the date and place of convictions, if applicable.
- B. All Work Card application forms shall be accompanied by the following:
1. A referral slip or request for Work Card application from a Brothel for a prospective Key Employee, Courtesan, or Employee;
  2. A copy of a current and valid health certificate provided by a physician duly licensed by the State, if the individual will be a Courtesan;
  3. A photograph and full set of fingerprints taken by the Nye County Sheriff;
  4. A waiver to be signed by the Licensee, Key Employee, Courtesan, or Employee allowing the past employment and criminal records of the Licensee, Key Employee, Courtesan or Employee to be open for examination by the properly designated authorities of the County. A waiver by the Courtesan shall include any physician-patient privilege with respect to medical records as may exist.
- C. The Nye County Sheriff shall investigate, through all available means, the accuracy of all information supplied by the Licensee, Key Employee, Courtesan, or Employee on the Work Card application form and shall require that each Licensee, Key Employee, Courtesan, or Employee furnish him or her with sufficient means of identification.
- D. No person shall be issued a Work Card who:
1. Has ever been convicted of a felony involving a crime of a sexual nature, a sexual crime involving children, or a heinous crime;
  2. Has made any intentional false statements or omissions in the registration form;
  3. Is under twenty-one (21) years of age.

- E. If upon examining the application form and conducting his or her investigation, the Nye County Sheriff finds the registrant to be suitable for employment in a Brothel, a Work 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 Brothel where the Registrant is employed; and
  4. Designated job position.
- F. No Licensee, Key Employee, Courtesan or Employee shall work in a licensed Brothel until first having received a Work Card and having such card in his or her immediate access during hours when the employee is in the Brothel. The licensee shall maintain a current, accurate list of employees.
- G. Work Cards must be renewed:
1. Courtesan: Brothel must be renewed quarterly, on or before the first day of the quarter (January 1, April 1, July 1 , or October 1).
    - a. A Courtesan's Work Card shall be valid for only the Courtesan's current Brothel and shall not be valid at any other Brothel.
    - b. Upon a change from one Brothel to another, a Courtesan must reapply for a Work Card, pay the Work Card application Fee as required.
  2. All other Key Employees, Employees, and any Licensees that are required to obtain a Work Card pursuant to this chapter must be renewed annually, on or before July 1, the start of the fiscal year, of the following year.
- H. A fee as required pursuant to this chapter shall accompany the Work Card application for each application period, or any portion thereof, and for each Applicant.

#### **9.20.145: DISPLAY OF REGISTRATION CARD:**

Work Cards issued under section 9.20.140 of this chapter shall remain the property of Nye County. Upon commencement of employment, all registered personnel shall have their Work Cards in immediate access during hours when the Registrant is in the Brothel. The Licensee, or Key Employee shall not maintain possession of the Work Card. The Registrant shall ensure the return of all Work 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.

#### **9.20.150: HEALTH EXAMINATIONS OF COURTESANS AND TESTS:**

A. Medical examinations for all Courtesans working in a Brothel, 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 State Board of Health (NAC 441A) 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, urethra swabs, or rectal swabs. 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 Courtesan 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 Brothel, at the examiner's office, or at a hospital or clinic, as determined by the examiner;

B. After the examination, the examiner must:

1. Issue to a Courtesan examined and found not to be afflicted with venereal disease or other contagious or infectious disease, a certificate so stating;
2. Refuse to issue such certificate if the Courtesan 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 Courtesan from service;

C. Licensees, or a designated Manager or Key Employee, of a Brothel must:

1. Sign the medical certificates of all Courtesans working in the respective Brothels. Such signature shall be considered by the Board as verification by the licensee that the holder of that medical certificate is the same Courtesan to whom the corresponding Brothel Work Card was issued.

2. Report to the Nye County Sherriff by providing a written report within twenty-four (24) hours of the existence of any condition on the Premises of the Brothel which constitutes a health or safety hazard to the patrons, Employees or public, together with his or her plan for correcting the condition.
- D. Weekly medical examination results for all Courtesans working at a Brothel must be furnished to the Nye County Sheriff by the Licensee within twenty-four (24) hours of the medical determination.
  - E. The medical examination records of each Courtesan shall be open for examination at any time by the properly designated authorities of the County, and each Courtesan, by accepting employment in any Brothel, shall be deemed to have waived any physician-patient privilege with respect to such records as may otherwise exist.
  - F. Any Courtesan who will work in any Brothel licensed hereunder without being in possession of such required medical certificate for the then current ten (10) day period shall, in addition to any other penalty, be subject to "Sanctions" as defined in this chapter, except that a Courtesan may be on or in the premises during the time that Courtesan is waiting for health test results and issuance of proof of registration by the Sheriff's Office; provided, that the Courtesan is able to demonstrate the test results are pending upon which the issuance of proof of registration by the Sheriff's Office depends, and further provided that the Courtesan 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, Manager or Key Employee who knowingly permits any Courtesan to work in his or her Brothel 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 Courtesan shall be available for inspection at the licensed location.
  - I. It is unlawful for a Licensee, Manager, Key Employee, or anyone acting on behalf of any such person who has received written notice that a Courtesan has tested positive for the human immunodeficiency virus, or any venereal diseases, including, but not limited to, lymphogranuloma venereum, chlamydia trachomatis, herpes, hepatitis B, human papillomavirus, trichomoniasis, cancrroids, syphilis, gonorrhea in a test approved by they State Board of Health to work as a Courtesan in any Brothel.

#### **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 Brothel;
- B. For a licensee of any licensed Brothel, 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 Brothel;
- 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 Brothel;
- D. For any person to engage in prostitution or solicitation therefor, except in a Brothel licensed under this chapter;

**9.20.165: EMERGENCY SUSPENSION BY SHERIFF:**

- A. The Nye County 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 placed on an agenda 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, the Board, and the License Department, and notice shall be personally given to the Licensee and/or Key Employee at the Brothel. For the purpose of this section, "cause" shall be defined in section 9.20.170 of this chapter.
- B. The matter of Emergency suspension shall be placed on a Special Meeting Agenda of the Licensing Board as soon as possible in compliance with the Nevada Open Meeting Law, and the Board shall determine whether such suspension shall be rescinded. However, 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.

**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 Key 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 Courtesan when such person does not have a current and valid health certificate;

4. Refusal of the Licensee or Key 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 Key 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 Key Employee the Board shall:
1. Provide the Licensee or Key Employee against whom the proceedings are brought, written specifications charging the Licensee or Key Employee with the acts or failures upon which the disciplinary proceedings are brought.
  2. The charging instrument shall be subscribed to and verified.
  3. Service shall be effected in the same manner as provided in this chapter for service of the notice of hearing;
  4. Give written notice of hearings, providing the time, date and place;
  5. Notice of hearing shall be served upon the Licensee or Key Employee posted upon the Premises of the Brothel;
  6. Conduct a hearing upon the charges alleged against the Licensee or Key Employee.
- C. Licensee's response to disciplinary proceeding:
1. 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;

- f. Must answer within ten (10) days after service of the charging instrument.
- D. 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;

**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 Key Employee or posted on the business entrance 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.

**9.20.190: AVAILABILITY OF LICENSEE, KEY EMPLOYEE:**

All Licensees must make the Key Employee, the Licensee (or an officer thereof) available to the Nye County Sheriff, Chairman and/or Vice Chairman of the Licensing Board within four (4) hours by telephone or in person as provided herein.

**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.

**9.20.205: EXCEPTION WHEN LICENSE TRANSFERABLE:**

- A. A natural person (or persons) who is the current Licensee of a Licensed Operation may transfer the License to a person other than a natural person (e.g. a business entity) who:
  - (a) is then the owner of an interest in such Licensed Operation, directly or indirectly, and
  - (b) ownership of the Licensed Operation has not changed since the issuance of the original License. In such an instance, both parties shall give written notice of such proposed transfer to the Board, including the names and addresses of the parties, nature

of the interest of the current License holder and proposed License holder, and submit a \$5,000 refundable transfer/investigation Fee to the Board.

- B. The Board shall conduct such investigation pertaining to the transfer of the License as it or the Sheriff may deem appropriate and shall report the results thereof to the Board. If the Board does not give notice of disapproval of the proposed transfer of the License within thirty (30) calendar days after the receipt by it of the report of the Board, the proposed transfer of interest will be deemed approved and the transfer of interest may then be effected in accordance with the terms of transfer as submitted to the Board. The parties shall immediately notify the Board when the transfer of interest is actually effected.

**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.
- C. A License granted under this chapter is for operations conducted on the Premises described in the application only, by the Licensee or co-Licensees only, and no Licensee may move Premises without submitting a new License application and obtaining Board approval.
- D. In the event of the death or judicially established disability of a Licensee, the spouse, next of kin, personal representative or guardian of the deceased or disabled Licensee, or any other co-License, must notify the Board and the Nye County Sheriff in writing within seventy-two (72) hours, of the death or judicially established disability.
- E. In the event of death or judicially established disability of a sole Licensee who holds the sole interest in a Brothel, the License shall be immediately suspended and will be revoke upon confirmation of the death or judicially established disability. The application for a temporary License must be filed within thirty (30) calendar days of the date of death or judicially established disability.
- F. In the event of the death of a Licensee holding a License under an inter vivos trust, or whose ownership of a Brothel passes by way of a trust on the Licensee's death, the succeeding trustee or trustees must be licensed. If the succeeding trustee or trustees are not licensed as the time of the Licensee's death, the Board may authorize the succeeding trustee or trustees to continue operation of the Brothel under a temporary License. The application for a temporary License must be filed within thirty (30) calendar days of the date of death.

- G. When the Brothel is owned or operated by more than one Licensee, the remaining co-Licensees may continue to operate the business in the event of the death or disability of a co-Licensee. The remaining co-Licensees may not permit any spouse, heir, next of kin, personal representative or guardian of the deceased or disabled Licensee to take part in operating the Brothel unless or until the person is approved for a temporary License or is approved as a co-Licensee. If a co-Licensee no longer has an interest in the operation of a Brothel and is no longer required to be licensed, the remaining Licensees must notify the Board and Nye County Sheriff immediately that the co-Licensee is no longer a Licensee. The change in status of the co-Licensee is effective on receipt of the notice by the Sheriff or the Board.

#### **9.20.215: TEMPORARY LICENSE UPON DEATH OF LICENSEE**

- A. In the event of the death of a Licensee, the Board may, if satisfied the action is necessary, issue a temporary License to an Applicant for a specific period of time. The temporary License entitles the person named in the application to take part in the operation of the Brothel and receive profits.
- B. A temporary License is nontransferable.
- C. A temporary License may be summarily withdrawn at any time in the discretion of the Chairman of the Board and the Nye County Sheriff without the necessity of a hearing or proceedings for revocation or suspension.
- D. A Brothel may not be operated by a bankruptcy trustee, receiver, or assignee for the benefit of creditors until the Board has either Licensed or temporarily Licensed the trustee, receiver, or assignee.

#### **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 Brothel.

#### **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 Brothel.
1. Any applicant whose place of business will be conducted by a Key Employee, and any brothel licensee who, pursuant to subsection 9.20.090 of this chapter, is required to submit an amended application or is required to report the change of a Key Employee.
  2. The Board may require payment of extraordinary costs, 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. Work Card Fee:
1. A Work Card fee shall be required for each calendar quarter, or any portion thereof, and for each Work Card application required under section 9.20.140 of this chapter. All Work Card 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 Work Card shall be issued to each person applying for a Work Card, pursuant to the requirements of section 9.20.140 of this chapter.
  3. A quarterly Work Card shall be issued to each Courtesan applying for a Work Card, pursuant to the requirements of section 9.20.140 of this chapter.
  4. Each Licensee shall be responsible to ensure that each Employee or Courtesan has a current Work Card. The Licensee shall submit the Work Card to the Nye County Sheriff within two (2) business days of the termination of any Employee from the Licensed Operation
- 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. Collection of License Fees: All license fees shall be collected and disbursed by the License Department in the manner provided in chapter 364 of Nevada Revised Statutes.
- G. Fees Nonrefundable: Unless otherwise provided in this chapter, no fees collected pursuant to the provisions of this chapter, or portions thereof, are refundable.

#### **9.20.240: VIOLATION; PENALTY:**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor.

#### **9.20.250: 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.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

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 \_\_\_\_ day of \_\_\_\_\_, 2019.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2019

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board