Churchill County, Nevada

Title 5 Business Licenses and Regulations

CHAPTER 5.20 PROSTITUTION

ARTICLE I. GENERAL PROVISIONS

5.20.010: APPLICABILITY; DEFINITIONS:

A. Applicability: This chapter governs the licensing of houses of prostitution and the employees thereof. A license issued under this chapter does not authorize any other activity for which licensing is required, including, without limitation, the serving of liquor or any activity defined as adult entertainment under this code.

B. Definitions: For the purposes of this chapter, the following terms have the meanings ascribed to them in this section:

APPLICANT: Any individual natural person requesting licensing under this chapter for a house of prostitution.

BOARD: The prostitution licensing and control board, consisting of the members of the board of county commissioners, Churchill County, Nevada.

BROTHEL OR HOUSE OF PROSTITUTION: An establishment occupying one specific site, where income is derived from acts of prostitution.

BUSINESS LICENSE DEPARTMENT: The business license department of Churchill County, Nevada.

CERTIFYING INSPECTION: The inspection conducted by the sheriff, his agent, or representative, a county or state health official, building inspector, or fire marshal, of the licensed premises prior to the commencement of any prostitution related activity by the licensee under this chapter.

COUNTY: The county of Churchill, state of Nevada.

DIVISION OF HEALTH: The division of health of the department of human resources of the state of Nevada.

ESCORT SERVICE: Any arrangement made by a prostitute with a patron to accompany him, for any purpose, to any location other than the licensed premises.
HEALTH AUTHORITY: Any entity of government, federal, state or local, including the "division of health" of the state of Nevada, responsible for enforcement and interpretation of any public health laws or regulations within any house of prostitution duly licensed and operating under the provisions of this chapter.

HOUSE RULES: Those rules, created by the licensee, to be imposed upon the licensed premises under this chapter with which the licensee shall govern his or her own licensed operation.

LICENSE: A license issued under this chapter authorizing operation of a house of prostitution.

LICENSED OPERATION OR OPERATION: A house of prostitution duly licensed and operating under the provisions of this chapter.

LICENSEE: Any natural person to whom a license is issued to operate a house of prostitution.

MANAGER: A person, other than the licensee, having authority given him by the licensee to conduct the regular business affairs of any licensed operation under this chapter.

OUT CALL: Any arrangement or arrangements whereby a prostitute and a patron meet at a location other than the licensed premises for the purpose of engaging in an act of prostitution.

PATRON: Any male person twenty one (21) years of age or older who provides a fee to a prostitute for any act or acts of prostitution.

PREMISES: Each and every part or area of a house of prostitution, licensed under this chapter, including real property, structures, fixtures and improvements.

PROSTITUTE: Any female person, licensed under this chapter, who engages in acts of prostitution with a patron.

PROSTITUTION: The performing of any of the following acts for hire by a prostitute with a patron, for a fee: engaging in sexual intercourse; oral-genital contact; or any touching of the sexual organs or any intimate part of the body of another person for the purpose of arousing or gratifying the sexual desire of either person. The term prostitution does not comprehend any sexually related act or activity defined as a crime pursuant to the Nevada Revised Statutes.
REGISTRANT: A person desiring to work in a house of prostitution, and as such is required to register with the sheriff and obtain a work card.

RESIDE: To remain upon the premises for more than twelve (12) consecutive hours in any twenty four (24) hour period.

ROOM: Any partitioned area of the licensed premises, designated by the licensee, subject to the provisions of the building code then in existence, as based upon the Nevada Revised Statutes and this code and standards imposed by any county or state health official, at the time of the certifying inspection, as a place upon the licensed premises where acts of prostitution are permitted.

SHERIFF: The sheriff of Churchill County, Nevada.

WORK PERMIT OR WORK CARD: Documentation issued by the sheriff’s department of the county to persons who qualify to be employees or independent contractors of a house of prostitution. (Bill 2005-A, 2005)

5.20.020: CONFIDENTIALITY OF RECORDS:

In the interests of the public health, safety and welfare, and the privacy of individuals, records relating to licensing, registration, and enforcement of this chapter are not public records, and are declared by law to be confidential, pursuant to Nevada Revised Statutes 239.010(1). Unless otherwise provided by this chapter, or pursuant to disease investigation activities carried out by the health authority under authority of Nevada Revised Statutes and Nevada administrative code chapter 441A, it is unlawful for any person to make public the name of, any personal information about, or the contents of any record whatsoever generated concerning any person licensed or working under this chapter.

This section does not apply to a law enforcement agency while engaged in a criminal investigation regarding any records created under this chapter. This section does not apply to an application for a special use permit as provided for by section 5.20.350 of this chapter or to the submission of any advertising plan submitted for approval by the board. (Bill 2005-A, 2005)

5.20.030: PROSTITUTION NOT AN OFFENSE OR NUISANCE IF LICENSED:

The operation of a house of prostitution within the county in accordance with the provisions of this chapter does not constitute a public nuisance or an offense to public decency. (Bill 2005-A, 2005)

5.20.040: PROSTITUTION UNLAWFUL UNLESS LICENSED:

A. It is unlawful for any person to keep, own or operate any house of prostitution within the county, except as provided in this chapter.
B. It is unlawful to practice prostitution, to allow acts of prostitution or sex for hire services, to solicit business for a prostitute or to procure any person for the purpose of prostitution within the county, except on a premises licensed under this chapter. "Out dates" or "outcalls" are prohibited. This chapter does not authorize operation of an "escort" service.

C. In the trial of any case arising under the provisions of subsection A or B of this section, evidence of general reputation shall be competent evidence as to the question of the ill fame of any house of prostitution and to the question of the ill fame of any person alleged to be practicing prostitution. (Bill 2005-A, 2005)

5.20.050: COMPLIANCE INSPECTIONS FOR BROTHELS; IMPLIED CONSENT:

A. Licensees, their managers, agents, representatives and contractors of any licensed operation under this chapter will provide the sheriff access, upon demand, at any time, for purposes of inspection to ensure compliance with this chapter and will provide health authority with access to information in accordance with the provisions of Nevada Revised Statutes 441A.160(2) and Nevada administrative code 441A.815.

B. Anyone obtaining or renewing a license pursuant to this chapter implicitly consents to and acknowledges the power and authority of the sheriff's department to enter the licensed brothel premises and the principal office of any brothel, at any time whatsoever, for the purpose of examining the premises or the books of account of said business, to ascertain the truth or veracity of statements made on the brothel license application and to determine compliance with this code and Nevada state law. No exception of privacy exists in any area or room of any licensed premises under this chapter.

C. A licensee or his/her agent or employee commits a violation if such person refuses to permit a lawful inspection of the premises by the persons designated above. (Bill 2005-A, 2005)

5.20.060: VIOLATION; CRIMINAL PENALTY:

In addition to penalties provided herein regarding revocation of licenses, work cards, permits or employment certificates, any person violating any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or both fine and imprisonment. Any violation may result in immediate and/or criminal citation and/or fines pursuant to title 1, chapter 1.12 of this code. (Bill 2006-M, 2006: Bill 2006-I, 2006: Bill 2005-A, 2005)

ARTICLE II. LICENSING OF OPERATIONS

5.20.070: LICENSING A PRIVILEGE; LIMITATION ON NUMBER OF LICENSES:
A. Grant of a license or work card under this chapter is a privilege, revocable as provided herein. No applicant has a right to the granting of a license, and no licensee acquires any vested right thereunder.

B. The board expressly finds that in the interests of the public health, safety, and general welfare, licenses issued under this chapter shall be limited to two (2). (Bill 2005-A, 2005)

5.20.080: LICENSING AND CONTROL BOARD:

The board of county commissioners shall act as a prostitution licensing and control board.

A. It shall be the duty of the board to carry out terms of the provisions of this chapter, and to see that this chapter is faithfully enforced.

B. Powers of the board shall include, but shall not be limited to, the power to:

1. Receive all license applications submitted under the provisions of this chapter;

2. Investigate all applicants for a license under the provisions of this chapter;

3. Grant or refuse to grant the license provided for in this chapter;

4. Receive complaints concerning alleged violations of this chapter;

5. Revoke, temporarily suspend, or place restrictions and conditions against licenses issued under the terms of this chapter; and


5.20.090: LICENSE APPLICATION; CONTENTS:

Any person desiring to own or operate a house of prostitution within the county shall apply to the board for a license. An applicant shall be a natural person, and a resident of the state of Nevada.

A. The application shall set forth:

1. Names, ages and addresses of all persons who have or will have any financial or ownership interest in the operation, including the owner of the real property;

2. Names, ages and addresses of persons who are or will be personally responsible for the conduct and management of the operation;
3. A recent photograph and complete set of fingerprints of all persons listed in subsections A1 and A2 of this section;

4. Names and addresses of every other business in which the applicant has any financial interest, including the type of such business and the nature of the applicant's interest;

5. Names and addresses of all employers of the applicant in the preceding ten (10) years;

6. All the applicant's addresses for the preceding ten (10) years;

7. A list of all prior convictions of the applicant for any crime, excluding minor traffic violations, which list shall include a statement of the offense, the place of its occurrence, the date of its occurrence, and the disposition of the case;

8. A complete and accurate financial statement of the applicant together with an audit of the applicant's finances conducted by a licensed certified public accountant;

9. Complete federal income tax returns for the five (5) years immediately prior to the year of application;

10. The street address 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 other interests relating to the property;

11. An executed comprehensive release authorizing the investigating authority to obtain any and all information deemed pertinent to the granting of a license;

12. A list of verifiable personal references with addresses and telephone numbers;

13. Any other information reasonably deemed necessary or useful by the board;

14. A proposed plan as to how the licensed operation will be advertised, including, without limitation, the use of any signage, printed media, internet sites, telephone books, or any other advertising source. Any advertising to be conducted by any licensed operation under this chapter must comply with section 5.20.240 of this chapter;

15. A proposed list of house rules with which any operation licensed under this chapter will be governed by a licensee;

16. A complete list disclosing the names, genders, and expected duties of all persons known to the licensee, at the time of application, expected to be employed in the daily operation, maintenance or management, of any brothel licensed under this chapter, including the licensee or manager;

17. A proposed fire safety plan approved by the fire marshal; and
18. A proposed list of any equipment to be used in conjunction with the licensed operation, including, without limitation, hot tubs, saunas, pools, appliances, sound equipment, lighting devices, or any related matters. (Bill 2005-A, 2005)

5.20.100: LICENSE APPLICATION; FILING AND INVESTIGATION:

A. The following terms and conditions shall apply to any application for a brothel license made under this chapter:

1. All applications for a license shall be made on a form approved by the sheriff bearing the license contents as provided for by section 5.20.090 of this chapter;

2. All applicants shall first obtain a special use permit as provided for by article VI of this chapter;

3. All applicants shall, subject to the provisions of chapter 5.04 of this title, apply for a business license, subject to the granting of a license under this chapter;

4. All applicants must provide a nonrefundable investigation fee of seven thousand five hundred dollars ($7,500.00);

5. All applicants who intend to serve alcohol in connection with any license under this chapter must first obtain a liquor license as provided for by chapters 5.08 and 5.24 of this title;

6. All applicants shall submit, with any application made under this chapter, an advertising plan;

7. The board may, from time to time, upon resolution, increase or reduce the amount of the nonrefundable investigative fee required by this section or impose such other fees or costs as are or may be related to the investigative process;

8. The board may, from time to time, upon resolution, establish guidelines for all advertising plans to be submitted with any application made under this chapter;

9. All applicants who intend to provide adult entertainment in connection with any license under this chapter must first obtain an adult entertainment license as provided for by chapter 9.12 of this code; and

10. All female persons employed by an operation licensed under this chapter are subject to the requirements of article IV, "Employees; Medical Requirements", of this chapter.

B. Upon compliance by an applicant with the terms and conditions of subsection A of this section the business license department shall, as soon as practicable, but not later than thirty (30) days after receipt of an application, refer any such application to the sheriff,
who shall conduct a full investigation of all information contained in the license application. The investigation shall include, but shall not be limited to, the following:

2. A personal interview with each applicant;

3. An interview, either personal or by mail, with all employers of the applicant, business associates, and personal references of the applicant, as shown in the license application;

4. Examination of the financial statement, tax returns and financial background of the applicant; and

5. Any other investigation reasonably deemed necessary by the sheriff.

C. No more than ninety (90) days after receiving all required application information, the sheriff shall report the results of his investigation in writing to the board. The report shall include, but shall not be limited to, the following:

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;

4. A recommendation for denial or issuance of a license.

D. No more than ninety (90) days after receiving the sheriff's report, the board may do one or more of the following:

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 his application; or

4. Grant or refuse to grant a license under the provisions of this chapter.

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

1. Where an applicant or an applicant's spouse or any other individual listed on the application who would have any interest in the brothel, has been convicted of any felony;

2. Who is financially insolvent or is inadequately financed;
3. Who has a history of financial instability;

4. Who has wilfully omitted or incorrectly stated any material fact in the license application;

5. Who has or previously has had any financial interest in, or connection with, any business which is illegal where such business is or was located;

6. Who has business relationships with persons or entities who would be denied a license for reasons other than financial instability or insolvency;

7. Whose license under the provisions of this chapter would be contrary to the health, welfare or safety of the county's residents;

8. When the proposed establishment does not or will not comport with the general uses of the land in the area for which application is made.

F. Upon denying any application for a license under the provisions of this chapter, the board may allow the applicant thirty (30) days to cure any defect in the application. The application may be resubmitted to the board thirty (30) days after original denial. A second denial shall be final.

G. Extensions of time, relating to this section, may be granted by the board upon its own motion, or upon a written motion by the applicant. (Bill 2005-A, 2005)

5.20.110: BOARD MAY IMPOSE RESTRICTIONS; SHERIFF TO ISSUE REGULATIONS:

A. The board may, in its discretion, and to promote the health, safety and welfare of the people of the county, and/or to promote the orderly conduct of the operation, except as otherwise provided for by this chapter, impose additional restrictions, including, but not limited to, the following:

1. Limitation on the number of prostitutes that may be working in an operation;

2. Limitation on the type, signing and size of building in which an operation may be conducted.

B. The board may impose restrictions pursuant to this section prior, during or after issuance of license. The board may, upon recommendation of the sheriff, suspend the receipt of applications under this chapter where cause exists as to the health, safety, or welfare of the people of the community.

C. The sheriff shall from time to time promulgate written rules and regulations not inconsistent with the provisions of this chapter concerning the activities and conduct of licensees and employees. (Bill 2005-A, 2005)
5.20.120: LICENSE ISSUANCE; RENEWAL:

A. Upon approval of an application, the board shall issue a license for the operation, which license shall state:

1. The name and address or location of the operation;

2. Any optional restrictions or limitations imposed by the board under this chapter;

3. The date of issuance of the license;

4. The date of expiration of the license.

B. All licenses, including, but not limited to, business, brothel, gaming, and/or liquor licenses or permits relating to prostitution, shall be issued on a quarterly basis.

C. No later than fifteen (15) days before the expiration date of any license, the licensee shall apply to the business license department on a form provided for renewal. If any written complaint regarding the operation shall have been received during that current license period, or in the event that the licensee has failed to make payment for license fees under this chapter, then the business license department or the sheriff may cause the renewal application to be placed on the agenda of the next board meeting, at which meeting the board shall either renew or deny the license. The board shall conduct a hearing, and may summon witnesses, interview the licensee, interview any complainant, require additional investigation by the sheriff, or do any and all other acts which may be necessary or appropriate to the board's determination. If no such complaints have been received, the business license department shall issue the renewed license upon compliance with the provisions of this chapter.

D. Failure of any licensee to apply for a renewal, as required in subsection C of this section, shall result in automatic expiration of a license, without further notice. Any license thus expired may be reinstated only upon compliance by the licensee with all requirements of this chapter relating to and initial or original license application.

E. Change in ownership, leasing of the premises, or the addition of any other persons with any ownership interest in a brothel shall automatically revoke a license, and reapplication shall be necessary. Any attempt by a licensee to permit an unlicensed person to operate a brothel under the existing license shall be grounds for automatic and immediate revocation, without further notice.

1. It shall not be a violation for a licensee to employ a manager to supervise day to day operations.

5.20.130: LICENSE; NONTRANSFERABLE, SITE SPECIFIC:

No license granted under this chapter may be transferred. A license granted under this chapter shall be for operations conducted on the property described in the application only, by the licensee only, and no operation shall be added to or moved without a new license application and approval. (Bill 2005-A, 2005)

5.20.140: LICENSE REVOCATION; GROUNDS:

A. The board may revoke or temporarily suspend any license issued under the provisions of this chapter or place a licensee on probation with or without conditions for any of the following causes:

1. Any cause that would constitute grounds for denial of a license under this chapter;

2. Violation by the licensee or any employee of the licensee of any provisions of this chapter;

3. Wilful refusal of the licensee to comply with any reasonable order of the board or regulation of the sheriff's department issued under the provisions of this chapter;

4. The licensee knowingly permitting the existence of any health hazard on the premises occupied by the licensed operation or employing any female person when such person does not have a valid health certificate, as required herein;

5. Any other cause which the board may determine, in its sound discretion, to be harmful to the health, welfare and safety of the general public. (Bill 2005-A, 2005)

5.20.150: LICENSE REVOCATION PROCEDURE; HEARING; NOTICE:

A. Before permanently revoking any license issued under this chapter, unless an alternative procedure is clearly specified elsewhere in this chapter, the board shall:

1. Conduct a hearing to determine the existence of the cause or causes of revocation, notice of which hearing shall have been served upon the licensee or posted upon the premises where the licensed operation is conducted at least seventy two (72) hours prior to the time of such hearing;

2. Permit the licensee to submit evidence and testimony in opposition to the revocation;

3. Consider all evidence and testimony in support of and in opposition to the revocation;

4. Enter in the minutes of the board the findings of the board, and stating with specificity cause of revocation;

5. Enter in the minutes of the board an order revoking or refusing to revoke the license.
B. Notice of revocation shall be served upon the licensee, manager, or posted upon the premises occupied by the licensed operation. Revocation shall be effective upon service and/or posting of the notice no later than twenty four (24) hours after the hearing was conducted. (Bill 2005-A, 2005)

5.20.160: EXCEPTION TO HEARING PROCEDURE (EMERGENCY SUSPENSION OF LICENSE):

A brothel license may be suspended without a hearing by a written emergency suspension order signed by the sheriff and one member of the board, if, in their opinion, there exists an immediate and present danger to public health and safety which necessitates the immediate closure of the brothel. Upon the issuance and service of such an order, all brothel activity shall immediately cease and the brothel licensee may request a public hearing before the board within three (3) business days. The proceedings thereafter shall be held in accordance with section 5.20.150 of this chapter. (Bill 2005-A, 2005)

5.20.170: LICENSE; QUARTERLY FEES:

A. Every licensee shall pay a quarterly licensing fee based upon a schedule of fees adopted by the board pursuant to a resolution thereof.

B. The schedule of licensing fees provided for by subsection A of this section may be modified by resolution of the board at any time.

C. The payment of licensing fees shall be made to the business licensing department, by any licensee under this chapter, in accordance with the following schedule:

First quarter (January through March), on or before January 10 of the quarter;

Second quarter (April through June), on or before April 10 of the quarter;

Third quarter (July through September), on or before July 10 of the quarter;

Fourth quarter (October through December), on or before October 10 of the quarter.

D. Where a licensee commences operation within any quarter, the licensing fee for that quarter of operation will be based upon the total number of operating days within that quarter and the size of the operation.

E. License fees not paid on or before the tenth day of each month set forth by subsection C of this section shall be deemed delinquent. A delinquent fee penalty consisting of an amount of ten percent (10%) of the quarterly license fee shall be added to all payments received after becoming delinquent until such delinquency is cured by proper payment.

F. Where payment by a licensee under this section is delinquent, and the last day of the month in which payment is due shall have passed without payment being made, then such
nonpayment of quarterly license fees may be deemed a basis for the immediate suspension of a brothel license granted under this chapter, by the board, subject to the hearing procedures of section 5.20.160 of this chapter and this section. (Bill 2005-A, 2005)

ARTICLE III. EMPLOYEES

5.20.190: MALE EMPLOYEES PROHIBITED; EXCEPTION:

A. It is unlawful for any operation licensed under this chapter or for any licensee or for any employee of any licensee to employ any male person for any purpose connected with the licensed operation other than for maintenance, managing, bartending, cleaning, or repair of the premises where a licensed operation is conducted. This section does not apply to persons employed by licensee to provide services including, without limitation, carpentry, electrical, plumbing, and bonded security services.

B. Except as otherwise provided for by this section, no male person, other than licensee or a manager, shall reside on the premises where the operation is conducted. The provisions of this section are not intended to apply to any person not affiliated with the licensed operation, including, without limitation, the health authority, the sheriff, his agents or representatives, or any other agents or officers of federal, state, or local government while performing enforcement or regulatory duties in an official capacity.

C. Subject to the provisions of section 5.20.200 of this chapter, the sheriff may permit a male person or male persons to reside upon the premises. (Bill 2005-A, 2005)

5.20.200: WORK PERMIT REGISTRATION REQUIRED:

A. Except as otherwise provided for by this chapter, or as permitted by the sheriff, it is unlawful for any person, employed by licensee, his agents, representatives or independent contractors, to be upon the premises of a licensed operation, unless such person is the holder of a valid current work permit issued by the sheriff in accordance with this chapter.

B. Every employee and every independent contractor of a licensed operation shall be registered with the sheriff on forms provided by the sheriff which shall be referred to as a "work card" and which shall include:

1. The name, age, address, social security number, physical description, and current pictured identification of the applicant. Forms of identification acceptable are those issued from state agencies which require a certified copy of a birth certificate. An actual social security card also must be produced;

2. A full set of fingerprints of the applicant;
3. Complete employment record of the applicant for the preceding ten (10) years;

4. All addresses of the applicant for the preceding ten (10) years;

5. Complete criminal record of the applicant, including all convictions, except minor traffic violations, which list shall include a statement of each offense, the place of its occurrence and the date of its occurrence;

6. Prostitute work card application shall be accompanied by a one hundred dollar ($100.00) nonrefundable application fee, or a one hundred dollar ($100.00) annual renewal or revision fee;

7. Work card application for bartender/manager and any employee other than a prostitute shall be accompanied with an application fee equal in amount to the fee to obtain a bar employee work permit under chapter 5.08 of this title;

8. Subject to the provisions of this chapter, the work permit shall be renewed annually;

9. All work cards are site specific, and must be renewed each time an employee changes places of work.

C. The sheriff shall investigate, through all available means, the accuracy of all information supplied by any applicant on the registration form.

D. No person may be an employee or an independent contractor of a licensed brothel who has ever been convicted of a felony offense, irrespective of jurisdiction, or for lesser crimes involving:

1. The possession, use, sale or furnishing of any narcotic, hallucinogenic or dangerous drug;

2. Theft, embezzlement or misappropriation of funds;

3. Violence or the use of any deadly or dangerous weapon;

4. Any crime involving the illegal use of firearms; or who:

5. Has wilfully made any false statement or omission in the registration form required by subsection A of this section;

6. Is under twenty one (21) years of age;

7. Has engaged in any other conduct detrimental to public health, safety, and the general welfare of the residents of Churchill County, Nevada.
E. The sheriff or his designee will have the authority to deny or revoke the work permit of a prostitute or any other employee who does not qualify under this chapter or who is found to be otherwise violating this code or Nevada state law. The person whose work card has been denied or revoked may file an appeal with the sheriff's department within thirty (30) calendar days from the date upon which the work permit (card) was denied or revoked under this chapter. The sheriff's decision on any appeal shall be final.

F. All employees shall maintain a current work card with the operator of a licensed brothel. The card shall be kept on premises, and available for inspection by Churchill County authorities at any time. No prostitute shall change place of work from one brothel to another without first notifying the sheriff of the proposed change and obtaining a revised work card.

1. No prostitute or bartender/manager of a licensed brothel shall possess more than one work card at a time or work for more than one brothel at a time.

G. No person, other than a prostitute licensed pursuant to the provisions of this chapter, may engage in any act of prostitution upon the licensed premises. (Bill 2005-A, 2005)

5.20.210: VIOLATIONS BY EMPLOYEE; EFFECT ON REGISTRATION AND WORK CARD:

In addition to criminal penalties provided herein, any employee of any licensee, or any independent contractor thereof, convicted of violating any section of this chapter or any regulation promulgated by the licensing and control board or sheriff's department shall have his or her work card immediately revoked by the sheriff and shall forthwith return the card to the sheriff. (Bill 2005-A, 2005)

ARTICLE IV. EMPLOYEES; MEDICAL REQUIREMENTS

5.20.220: MEDICAL EXAMINATION REQUIRED OF ALL FEMALE EMPLOYEES; PROCEDURES; REPORTS; PREAPPROVAL OF PHYSICIANS:

A. Every licensee shall require and ensure that the rules and regulations now in force or hereafter promulgated by the health authority are complied with and that medical examinations are undergone by all females working at licensee's operation, as either employees or independent contracts thereof, which examinations shall:

1. Be performed at least once a week. These medical examinations must be completed and the examination results available by each Friday of the week prior to medical exam record checks being conducted by the sheriff's department;

2. Be performed by or under the supervision of a physician or doctor of osteopathy duly licensed to practice medicine in the state, actively practicing in the county, who has been
preapproved by the sheriff. Authority to perform examinations under this section by any other physician must be first given by the sheriff;

3. Include all tests specified by the health authority or other approved entity or division of the state for the detection and diagnosis of sexually transmitted diseases including, but not limited to, weekly tests for gonorrhea and chlamydia; and a monthly blood test for syphilis, which shall be processed at a licensed and approved clinical laboratory;

4. Include monthly tests approved by the health authority or other authorized entity or division of the state for the detection of human immunodeficiency virus (HIV). Appropriate specimens are to be submitted to and processed at a licensed and approved medical laboratory;

5. Include other medically approved tests, deemed advisable by the examining physician, the health authority or other authorized entity or division of the state, for determining whether the prostitute is afflicted with any infectious, communicable or contagious disease that has now, or may in the future be determined to pose a threat to the health and safety of any person under this chapter;

6. Be performed at the location of the licensed operation, at the physician's office, at a hospital or clinic, as determined by the physician;

7. Consistent with Nevada Revised Statutes 441A.120(2), or other provision of Nevada law as applicable to this chapter, no person may work as a prostitute in a licensed house of prostitution until a state licensed and approved medical laboratory has reported that the results of the tests required by Nevada administrative code 441A.800 et seq., do not show the presence of chlamydia, syphilis, gonorrhea, or the antibody to the human immunodeficiency virus. No prostitute will be allowed on the premises until she has been cleared by a physician to work. Except as otherwise provided for by this chapter, no other female person shall be allowed on the premises until she shall have first obtained clearance by a physician to do so;

8. No prostitute will be registered with the sheriff's department or granted a work card until test results are presented. Test results must be sent directly to the sheriff's office, by facsimile transmission from the examining physician, on the physician's letterhead. The sheriff shall approve the development and use of any report form to be used in connection with this subsection A8.

B. The licensee, manager or an employee of the brothel is required to notify the sheriff's department when a prostitute leaves the brothel on vacation, and to immediately turn that prostitute's work card in to the sheriff. (Any period in excess of 48 hours is considered vacation.) Prior to returning to work from vacation, the prostitute must get a medical exam, clearance from a licensed physician and be provided the work permit turned in by the licensee, manager, or an employee of the licensed operation. In the event that any vacation exceeds thirty (30) days, no prostitute shall engage in any act of prostitution without first having obtained a medical exam, clearance from a licensed physician, and
be issued, upon payment of the fee set forth by section 5.20.200 of this chapter, a new work permit.

C. After performing the examination required in subsection A of this section, the examining physician or doctor shall:

1. Issue to every person examined and found not to be afflicted with a sexually transmitted disease or other contagious or infectious disease a certificate so stating;

2. Refuse to issue such certificate to any person found to be, or suspected of being, afflicted with a sexually transmitted disease or other contagious or infectious disease;

3. Report the results of such examinations weekly to the sheriff;

4. If any prostitute examined is found to be afflicted with a sexually transmitted disease or any contagious or infectious disease, the doctor shall immediately notify the sheriff, the employer, and the health authority in accordance with the requirements of Nevada administration code 441A.230.

D. No female person may work as a prostitute, or in any other capacity within the licensed premises, without a current certificate.

E. No person who has ever been denied a certificate by an examining physician or doctor of osteopathy, as provided in subsection C2 of this section, may again work as a prostitute in any licensed operation until such person has received and presented to the sheriff a certificate from an examining physician or doctor of osteopathy stating that the cause or causes which resulted in denial of the certificate have been cured and that the person is now free of any sexually transmitted disease or other contagious or infectious disease.

F. The sheriff shall maintain a list of physicians approved by him to provide examinations and certifications under this chapter.

G. Nothing contained in subsections A through E of this section shall prevent the board on its own motion or upon complaints or reports from any person, from inquiring into the existence of any condition on the premises of any licensed operation which might constitute or cause a health hazard.

H. Any licensee under this chapter shall post upon the licensed premises a health notice the content of which shall be determined and provided by the division. The cost and mounting of the notice is the responsibility of the licensee. The notice must be posted in a prominent location which is readily noticeable by patrons of the establishment and is approved by the division.

I. Any licensee under this chapter who knows of or suspects the presence of a communicable disease within the licensed premises shall report the disease to the health
authority having jurisdiction where the licensed premises are located. Any report made to
the health authority in accordance with this section must include the following:

1. The communicable disease or suspected communicable disease;

2. The name and the address or telephone number of the person or suspected person;

3. The name, address, and telephone number of the person making the report;

4. The age, sex, race, date of birth, occupation and employer of the person or suspected
person, if available;

5. The date of onset and the date of diagnosis of the disease; and

6. Any other information requested by the division, if available.

J. Any licensee under this chapter shall provide all necessary assistance to the division
relating to:

1. Any investigation of the circumstances or cause of the communicable disease to a
person or the disease of any suspected person bearing a communicable disease or any
investigation relating to a suspected outbreak of a communicable disease; and

2. The development and implementation of measures for the prevention, suppression or
control of a communicable disease, including procedures of exclusion, isolation, and
quarantine.

K. Any licensee shall comply with any other directive, rule or order, reasonably imposed,
by the division or a physician relating to the health and safety of any person upon the
licensed premises. (Bill 2005-A, 2005)

ARTICLE V. GENERAL PROHIBITIONS AND ADDITIONAL PROVISIONS

5.20.230: GENERAL PROHIBITIONS:

A. It is unlawful for any person under the age of twenty one (21) years, except as
otherwise specified in this chapter, to enter or be a patron of any operation licensed under
the provisions of this chapter.

B. It is unlawful for the licensee of any operation licensed under the provisions of this
chapter, or for any prostitute or employee of such licensee, or any independent contractor
thereof, 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 operation licensed under the provisions of
this chapter.
C. It is unlawful for any operation licensed under this chapter, or for any licensee, or for any employee of any licensee, or any independent contractor thereof, to sell to any person or to dispense or give away to anyone under twenty one (21) years of age any alcoholic beverages on the premises occupied by any licensed operation or in connection with such operation.

D. It is unlawful for any act of prostitution to be conducted upon the licensed premises at any locations other than the rooms designated for such purposes in the certifying inspection.

E. It is unlawful for a licensee, an employee, agent, or representative of a licensee, to allow anyone who has tested positive to the human immunodeficiency virus, in a test approved by the health authority, and who received written notice of that fact, to work as a prostitute in any licensed operation.

F. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a brothel or house of prostitution licensed under this chapter. (Bill 2005-A, 2005)

5.20.240: ADVERTISING RESTRICTED:

Except as otherwise provided by Nevada Revised Statutes 201.430, or other provision of Nevada law, the form, content, and location of any form of advertising associated with the licensed premises must be approved by the board. No offensive or graphic displays, images, or words are permitted. Any application for a brothel license submitted pursuant to this chapter must include a proposed advertising plan. No advertising, in any form, including use of print, signage, internet, telephone books, or any other form of advertising will be allowed unless approved by the board. (Bill 2005-A, 2005)

5.20.250: RESIDING ON PREMISES:

Except as otherwise provided by this chapter or by rule of the sheriff, only female employees, prostitutes, and the licensee or manager, if male, may reside upon the premises. For purposes of this section, "residing on premises" means remaining on premises for one or more nights, consisting of ten o'clock (10:00) P.M. until six o'clock (6:00) A.M. (Bill 2005-A, 2005)

5.20.260: FEMALE PERSONS ON PREMISES; EMPLOYEES AND INDEPENDENT CONTRACTORS ONLY:

Except as otherwise provided by this chapter or by rule of the sheriff, no licensee, employee, prostitute, or manager shall allow female persons on a premises licensed under this chapter, unless such female person is a duly registered employee or independent contractor of the licensed operation. This section does not apply to any female person who is an agent or representative of the county, sheriff, health authority, or an officer of official of any other entity of the federal, state, or local government while performing official duties. (Bill 2005-A, 2005)
5.20.270: ACTIVITIES PROHIBITED OUTSIDE BUSINESS HOURS:

No licensee or agent thereof shall permit private parties or any brothel related activity whatsoever at a licensed operation unless the operation is open for business. (Bill 2005-A, 2005)

5.20.280: DUTY OF LICENSEE OR MANAGER:

The licensee or manager of any operation licensed under this chapter shall be subject to a continuing duty to provide, upon the licensed premises, an agent or representative, having authority, at all times, to act on behalf of the licensed operation. (Bill 2005-A, 2005)

5.20.290: MULTIPLE OWNERSHIP:

No licensee under this chapter may operate or have any interest in more than one brothel or house of prostitution within Churchill County, Nevada. (Bill 2005-A, 2005)

5.20.300: RECORDING OF ACTS OF PROSTITUTION PROHIBITED:

The recording of any act of prostitution by any prostitute or patron of a brothel or house of prostitution under this chapter, by any medium, including, without limitation, audio or video tape, digital recording, or photograph, is prohibited. Each room designated as a place wherein acts of prostitution will occur under this chapter must bear a sign readily seen by all persons entering such room stating:

*The recording of acts of prostitution, by any medium, is prohibited.*

(Bill 2005-A, 2005)

5.20.310: USE OF LATEX PROPHYLACTIC REQUIRED:

Any prostitute licensed under the provisions of this chapter shall require each patron to wear and use a latex prophylactic, or a medically accepted substitute for a latex prophylactic, while engaging in any act of prostitution. Any patron engaging in an act of prostitution shall wear and use a latex prophylactic or a medically accepted substitute for a latex prophylactic, while engaging in an act of prostitution. Each room designated as a place wherein acts of prostitution will occur under this chapter must bear a sign readily seen by all persons entering such room stating:

*Condoms are mandatory.*

(Bill 2005-A, 2005)

ARTICLE VI. LAND USE REQUIREMENTS

5.20.320: LOCATION RESTRICTIONS:
A. Separation: No brothel, house of prostitution, or licensed premises under this chapter shall be located within a radius of two thousand feet (2,000') from any of the following:

1. A public or private school attended primarily by children;

2. A church or other place of worship;

3. A public park or other recreational facility frequented or utilized by minors, including, but not limited to, public parks, playgrounds, pools, recreational centers, and any known gathering place of minors;

4. Any business designated an adult entertainment business pursuant to chapter 9.12 of this code. A brothel or house of prostitution licensed under this chapter may establish, upon proper licensing as provided for by chapter 9.12 of this code an adult entertainment business within such licensed operation and such business may be operated within two thousand feet (2,000') of any other licensed brothel or house of prostitution also having within such operation an adult entertainment business also licensed under the provisions of chapter 9.12 of this code; or

5. Any regular school bus stops.

B. Distance Determination: The two thousand foot (2,000') distance referred to herein shall be measured in a straight line from the nearest property line of the brothel, house of prostitution, or licensed premises to the nearest property line bearing the structures, places, or locations stated in subsection A of this section. (Bill 2005-A, 2005)

5.20.330: HOME OCCUPATION:

No brothel or house of prostitution shall be allowed as a home occupation. (Bill 2005-A, 2005)

5.20.340: SPECIAL USE PERMIT:

In addition to all other requirements of this chapter a special use permit is required prior to the establishment or operation of a brothel or house of prostitution under this chapter. (Bill 2005-A, 2005)

5.20.350: SPECIAL USE PERMIT PROCEDURE:

The procedure for obtaining a special use permit by any applicant under this chapter shall be as provided for by title 16 of this code. The planning commission may issue a special use permit to an applicant where the information presented by an application, together with any evidence presented at a public hearing on the matter, are consistent with the granting of a use upon findings of fact to be made by the planning commission as set forth by title 16 of this code. The planning commission shall further have the duty of making the following findings of fact:
A. The permitted use is in compliance with all licensing requirements of this chapter;

B. The permitted use at the proposed location will not be contrary to the public health, safety and general welfare of persons residing or working in the land use district or neighborhood in which it is proposed;

C. The permitted use is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect such areas;

D. The exterior appearance of the structure in which the permitted use will be located will not be inconsistent with the external appearance of neighboring structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or diminution or impairment of property values within the neighborhood;

E. The permitted use will not be contrary to any proposed neighborhood revitalization program;

F. The permitted use will not allow the exterior of a brothel or house of prostitution that results in an inappropriate or unmaintained appearance not in harmony with the general neighborhood in which the use is to be permitted;

G. The permitted use will not interfere with any economic development program or activity in the land use district or neighborhood in which it is proposed;

H. The permitted use at the proposed location will be in substantial conformity with the adopted general plan for the area;

I. The proposed location of the permitted use is adequate in size and shape to accommodate the yards, walls, fences, parking lot, landscaping and other development features prescribed in this code, or as is otherwise required, in order to integrate said use within the uses in surrounding area; and

J. The proposed location of the permitted use shall be served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and other public or private service facilities as is or may be required. (Bill 2005-A, 2005)

5.20.360: DEVELOPMENT AND OPERATION STANDARDS:

Brothels, houses of prostitution, or other licensed premises under this chapter shall comply with all of the following development and operation standards:

A. Any licensed premises created or established under this chapter must fully comply with all building permit and construction codes as established by the Nevada Revised Statutes and this code as they may be adopted by Churchill County, Nevada;
B. Any application for a special use permit will be evaluated on its individual merits, including location. Consideration may be given to the location of any premises formerly licensed under the provisions of this chapter. The use of any mobile home, recreational vehicle, travel trailer, or any other nonpermanent or removable structure is not a permitted use under this chapter;

C. All building openings, entries and windows for a brothel or house of prostitution shall be located or covered so as to prevent a view into the interior thereof from any area within the view of the general public. No locked gates or entrances shall be permitted during working hours;

D. All entrances to a brothel or house of prostitution shall be clearly and legibly posted as an entrance stating that persons under age twenty one (21) years are not permitted upon the licensed premises. All entrances shall further be clearly and legibly posted as a brothel or house of prostitution. All such notices shall be no less than six (6) square feet in size nor more than twenty four (24) square feet in size;

E. No loudspeakers or sound equipment shall be used by a brothel or house of prostitution for the amplification of sound to a level discernable by the public beyond the walls of the building in which the permitted use is allowed;

F. All off street parking areas, walkways, and building entries serving the permitted use shall be illuminated during all business hours with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one foot-candle of light on the parking and walkway surface area. This requirement is imposed so as to allow a lighting level conducive for the safe use of the licensed premises by its patrons;

G. All exterior areas of the permitted use including the buildings, outbuildings, landscaping and parking areas shall be maintained in a neat and clean fashion;

H. Unless otherwise provided for herein, all permitted uses shall be enclosed by a fence not less than six feet (6') in height equipped with an entrance gate. The requirement for a fence enclosing the permitted use may be waived in full or in part where the exterior design of the premises integrates structural features providing for secured entrances to the premises and adequate cover of window areas;

I. The use of a sauna, spa, pool, or any bathing facility may be allowed upon the premises subject to all applicable requirements imposed by the health authority, including, without limitation, the certifying inspection and any regular inspections performed thereafter, and further subject to all rules and laws governing the maintenance and operation of any such facilities. (Bill 2005-A, 2005)

5.20.370: SEVERANCE:

If any section, subsection, sentence, clause, phrase or portion of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Bill 2005-A, 2005)