Chapter 5.16
PROSTITUTION

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5.16.010 Purpose.
These rules establish licensing procedures, provide for the location of businesses; provide for the health and safety of employees and patrons; provide for the registration of employees; establish license fees; and prohibit certain conduct in the business and setting the number and sites of licenses. (Prior code § 18.01.1)

5.16.020 Definitions.
For purposes of this chapter, the following words and terms shall have the meanings set out in this section:

"Applicant" means any person or persons applying to the board for a license under the provisions of this chapter.

"Board" means the licensing and control board composed of the board of Lander County commissioners and the sheriff of Lander County.

"Employee" means any person engaged in an act or acts of prostitution for the licensee, whether actually employed as an independent contractor or otherwise by the licensee, or any person engaged in management, sales, or who in any way, represents and is held out as representing the interests of a house of prostitution.

"House of prostitution" or "brothel" is defined to be any house, building, trailer (with or without wheels), vehicle, tent or other structure or property wherein or whereon acts of prostitution are committed, or offered to be committed. It includes any establishment having a source of income or compensation derived from the practice of prostitution as defined in this section, and which has a
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E. The board may, upon denying any application for license, grant the applicant thirty days in which to cure any defect in the application which may be submitted to the board for consideration. No application shall be denied without first affording the applicant a hearing as provided in Section 5.16.120.

F. The board has the full and sole authority to grant the license and is the sole authority to make, alter and rescind all regulations setting forth the terms and conditions under which such license may be applied for, and the terms and conditions under which such license shall be granted, revoked or canceled.

G. The board has the sole authority to cancel and rescind any and all licenses for cause and without refund of any moneys previously paid by or for the licensee.

H. The issuance and acceptance of the license shall constitute an undertaking and agreement by all persons in reference to the business, that they will be bound by the terms and conditions and provisions of this chapter and any regulations hereafter made, enacted and adopted by the board.

I. 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 the holder acquires no vested right therein and the same may not be transferred.

J. Every applicant for a license to maintain and operate or conduct a business shall pay in advance, an investigation fee of one thousand dollars, any unused portion of which shall be refunded. In the event actual reasonable investigation expenses exceed the fee so deposited, the applicant shall be liable for such additional expenses. The fees shall be paid prior to any action on the application. The sheriff shall furnish a statement of costs on request of the applicant.

K. A temporary permit shall be issued pending such action, and permittees and their employees shall be subject to all requirements of this chapter, immediately upon the effective date of the permit. No vested rights shall accrue to a permittee. (Prior code § 18.08)

5.16.990 License—Restriction.

The number of such licenses within the county shall be limited to two and no more. The two licenses shall be restricted to Argenta Township, Battle Mountain, Nevada on West North Second Street. (Prior code § 18.09)

5.16.100 General requirements.

A. It is unlawful for any person under the age of twenty-one to enter upon or be a patron of the business.

B. It is unlawful for any employee of any licensee to be under the age of twenty-one.

C. Every licensed business shall provide, at its sole cost and expense, medical examinations for all employees at the business. Such examination shall:

1. Be performed at least every seven calendar days;

2. Be performed by a physician licensed to practice medicine in the state or by a licensed physician’s assistant;

3. Include tests specified by the Division of Health of the Nevada Department of Human Resources for the detection and diagnosis of sexually transmitted diseases including, but not limited
shown in its articles of incorporation, together with the names and residence addresses of each of the
officers, directors and each stockholder holding stock in the corporation.

E. If the applicant is a partnership, the application shall set forth the name and the residence
address of each of the partners, including limited partners.

F. No application will be accepted until such time as it is complete in all respects. The board
may reject any application not complete on its face. (Prior code § 18.06)

5.16.070 License—Application—Filing time limit.

Any person who acquires an interest in a brothel in the county, after the effective date of the
ordinance codified in this chapter, must file for a license within thirty days and the application shall
be processed and acted upon within the time frame provided in Section 5.16.080. A temporary permit
shall be issued pending such action, and permittees and their employees shall be subject to all
requirements of this chapter, immediately upon the issuance of the permit. No vested rights shall
accrue to the permittee. (Prior code § 18.07)

5.16.080 License—Investigation.

A. Upon presentation of any license application to the board, the board shall refer the application
to the sheriff for a full investigation of all information contained in the license application, which
shall include a complete FBI record check concerning the criminal record of any applicant and a
personal interview with each applicant.

B. Investigation may include an interview, either personal or by mail with all employees and
business associates of the applicant, may include an examination of financial statements and financial
backgrounds of the applicant and may include any other investigation deemed necessary or useful
by the sheriff.

C. The sheriff may require additional information from the applicant, may require additional
interviews with the applicant and may recommend, refuse to recommend, or recommend a conditional
license. The sheriff shall furnish to the applicant prior to making a recommendation to the
board, a synopsis of the investigations and give the applicant a reasonable amount of time to rectify
an adverse finding.

D. The board may refuse to grant a license to any applicant, who has been convicted of a felony:
1. Who is financially insolvent or who has undergone prior bankruptcy proceedings filed by or
against him;
2. Who has a record of financial instability;
3. Whose financial condition is, in the opinion of the board, inadequate or insufficient to operate
a business;
4. Who has willfully omitted or incorrectly stated any material fact in his application;
5. Who has any financial interest in, or connection with, any business which is illegal where
such business is located;
6. Whose license, if issued under these rules, would be contrary to the health, safety or welfare
of the county or its residents.

The board shall not unreasonably or arbitrarily refuse to grant a license.
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emergency, the board may issue an order for immediate suspension or limitation of a license, but the
order shall state the reason for suspension or limitation and shall afford the licensee a hearing.

C. 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 provided in this chapter. Notice of such hearing shall be given to the licensee by certified mail.

D. Regulations shall be adopted after public hearing by the full board and by a vote of a majority
of the members. Upon adoption of such regulations, the board shall designate their effective date
which shall not be earlier than thirty days after their adoption. Immediately after adoption, a copy of
such regulations shall be mailed to the address of each licensee.

E. Except for the adoption of regulations, a majority vote of the members of the board present
shall govern in the transaction of all business. A majority of the members thereof shall constitute a
quorum for the transaction of business. (Prior code § 18.05)

5.16.060 License—Application.

A. Any person or persons desiring to operate a house of prostitution or brothel within the county
shall apply to the board through the office of the sheriff, for a license to operate such business.

B. An application and license shall be required of each person having any direct interest in the
business.

C. The application shall contain the following:
1. Names and addresses of all persons who have or will have any interest in the business,
including the owner of the real property;
2. Corporate officers, directors and stockholders;
3. The names, ages and addresses of people who are or will be persons responsible for the
conduct and management of the operation;
4. The names and addresses of all employees of the applicant in the preceding five years;
5. Applicant’s addresses for the preceding five years;
6. A list of all prior convictions within ten years of date of application, excluding minor traffic
violations, which shall include a statement of the offense, place of its occurrence and the date of its
occurrence;
7. A complete and accurate financial statement of the applicant which shall be current within
six months and which shall include the source of all funds used to acquire and/or operate the licensed
business regardless of when acquired. The information required to be disclosed by this subsection
shall be held confidential by the board;
8. The business history of the applicant which shall include any business license or privileged
license which has been revoked or suspended, and the reason therefor;
9. A legal description of the property where the business 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;
10. Any other information deemed necessary by the board and the sheriff.

D. If the applicant is a corporation, the name of the corporation shall be set forth exactly as
fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities defined in this section.

"Licensee" means a house of prostitution duly licensed and operated in accordance with the provisions of this chapter.

"Licensee" means the person to whom a license has been issued to own or operate a brothel as defined in this section.

"Person" means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

"Prostitute" means any person who, in the course of any employment, either directly or indirectly, engages in the practice of prostitution as defined in this section.

"Prostitution" means the act or practice of permitting or performing common or indiscriminate sexual relations for hire.

"Regulator" means those persons and employees required to register with the board and/or the sheriff, under the provisions of this chapter. (Prior code § 18.02)

5.16.030 Compliance Required.

It is unlawful for any person, firm or corporation to keep or operate any house of prostitution of any description within Lander County, except as provided in this chapter. (Prior code § 18.03)

5.16.040 Licensing and Control Board—Created.

A. There is to be created a licensing and control board to be composed of the board of Lander County commissioners and the sheriff of Lander 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. (Prior code § 18.04)

5.16.050 Board and Sheriff Powers and Duties.

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

B. Powers of the board and the sheriff shall include but not be limited to, the following:

1. The sheriff shall:
   a. Investigate all applicants for a license;
   b. Make recommendations of approval or disapproval to the board;
   c. Adopt rules and regulations applicable to employees of licensees, subject to approval by the board after hearing as provided in subsection C of this section;
   d. Shall collect all fees imposed by this chapter.

B. The board is empowered and commissioned to act from the purposes of this chapter, without additional compensation to the board or the clerk as license board as:

1. Grant or deny applications for licenses and permits and impose conditions, limitations and restrictions upon the license as provided in this chapter;
2. Adopt, amend and repeal regulations relating to licensees and licensees;
3. Restrict, revoke or suspend licenses for cause after hearing as provided in this chapter. In an
to, weekly tests for gonorrhea and chlamydia, and a monthly blood test for syphilis and HIV, which
shall be processed at a licensed and approved clinical laboratory.
4. Include such other medically approved tests deemed advisable by the examiner for determining
whether the employee is afflicted with any infectious or contagious disease;
5. Be performed at the location of the licensed operation, at the examiner’s office, or at a hospital
or clinic as determined by the examiner.
D. Any employee found to be, or suspected of being, infected with a venereal, contagious or
infectious disease will not be issued a medical certificate and shall be removed from service by the
licensee. Medical examination records relating to such venereal, contagious or infectious diseases
shall be open for examination by properly documented authority and each employee accepting
employment in the business shall be deemed to have waived any physician-patient privilege. No
employee shall be employed in excess of one regular business day without obtaining the required
medical certificate. A business day shall be defined as Monday through Friday, inclusive, legal
holidays excepted.
E. Any employee found not to be in possession of the required medical certificate or registration
record for the then-current seven-day period, shall be guilty of a misdemeanor and such activity shall
subject the licensee to revocation proceedings.
F. Health certificates shall be available for inspection at the business at all times.
G. Every licensee shall provide and comply with the following:
1. A source of water to facilitate cleaning, and all sources of water must be approved by the
appropriate county agency.
2. Lavatories and wash basins must be provided with running water and shall be furnished with
soap and sanitary towels.
3. Every portion of the business, including appliances, apparatuses and personnel, shall be kept
clean and operating in a satisfactory condition.
4. All business premises shall be provided with clean, laundered sheets and towels in sufficient
quantity, and shall be laundered after each use thereof, and stored in an approved sanitary manner. Use shall
be defined as actual physical contact with such sheets or towel.
5. All businesses must have approved receptacles for the storage of soiled linens and towels.
6. No business shall publish or distribute or cause to be published, any advertisement in any
newspaper or other publication published in the state of Nevada which directly and expressly seeks
to induce persons to purchase or utilize a brothel’s sexual services. (Ord. 90-09, 1990; prior code §
18.10)

5.16.110 Fines—Suspension and revocation of license.
A. The board may impose fines, suspend or revoke any license issued under the provisions of
this chapter for any of the following causes:
1. Any cause that would constitute grounds for denial of a license;
2. Violation by the licensee of any provisions of this chapter or rules and regulations promul-
gated by the board;
3. The licensee knowingly permitting the existence of any health hazard on the premises
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occupied by the licensed operation or employing any person as a prostitute when such person does not have a current and valid health certificate, except as in subsection E of Section 5.16.100;

4. Refusal of the licensee or any employee to comply with any order issued by the board or the sheriff;

5. Any other cause which the board may determine, in its sound discretion, to be deleterious to the health, welfare or safety of the general public;

6. If a licensee suffers a criminal conviction which involves moral turpitude.

B. Before taking any disciplinary action against a licensee, the board shall:

1. Provide the licensee or other persons against whom the proceedings are brought, written specifications charging the respondent(s) with the acts or omissions upon which the disciplinary proceedings are brought; the charging instrument shall be subscribed to and verified. Respondent(s) shall file a written answer to the charges within seven days and failure to timely answer shall constitute an admission of the charges;

2. Provide written notice of the hearing, providing the time, date and place. Notice of the hearing shall be served upon the licensee or posted upon the premises of the brothel, at least seven days prior to the time of the hearing;

3. Conduct a hearing upon the charges alleged against the respondent(s);

4. Permit the respondent(s) to submit evidence and testimony in opposition to the charges;

5. Consider all evidence and testimony in support of and in opposition to the charges;

6. Enter in the minutes of the board, the findings of the board, stating the same with specificity;

7. Enter in the minutes of the board, the decision and action taken by the board, including the imposition upon the respondent(s), and the expense and cost of the proceedings.

C. Notice of the board's findings, decision and order shall be served upon the respondent(s) or posted upon the premises occupied by the licensed operation.

D. Any imposition of fine, suspension or revocation of the license shall be effective upon service or posting of notice of same.

E. The foregoing shall not preclude an order of immediate suspension in the event a health hazard is determined to exist; in the written opinion of the county health officer and any two board members concur in writing that immediate suspension of activities is necessary to preserve the public health and safety.

1. Upon issuance and service of the order, the licensee shall immediately cease all brothel activity to cease and may request a hearing before the board within two business days;

2. The proceedings thereafter shall be had in accordance with subsection B of this section. (Prior code § 18.11)

5.16.120 Registration of employees.

A. Every employee of each licensee shall be registered with the sheriff on forms provided by the sheriff, which shall include the following as a minimum, plus such other information as the sheriff may, from time to time deem necessary:

1. The name, age, address, sex and physical description of the employees;

2. A recent photograph within the last six months and a full set of fingerprints of the employee;
3. Complete employment record of the employee for the past five years;
4. All addresses of the employee for the preceding five years;
5. Complete criminal record of the employee for the past seven years, including convictions, except minor traffic violations, which list shall include a statement of each offense, the place of its occurrence;
6. In addition to the foregoing, each prostitute shall have a current and valid health certificate provided by a physician or a physician's assistant.
B. A referral slip or request for registration from a brothel shall accompany the registration form.
C. The sheriff shall investigate, through all available means, the accuracy of all information supplied by the employee on the registration form.
D. No person shall be employed by the licensee in connection with the licensed operation who:
   1. Has been convicted of a felony involving moral turpitude within the preceding seven years;
   2. Had been any intentional false statement or omission in the registration form;
   3. Is under the age of twenty-one years of age;
   4. The sheriff shall have the discretion to waive the disqualifications set forth in subdivisions 1 and 2 of this subsection.
E. If, upon examining the registration form and conducting his investigation, the sheriff finds the applicant to be suitable for employment in a brothel, a brothel registration card shall be issued to the employee and shall contain:
   1. Name, age and physical description;
   2. Photograph and signature of the card holder;
   3. Name of the brothel where the person is employed;
   4. Employment position.
F. No employee shall work in a licensed brothel until first having received a registration card and having the card in the employer's possession during hours when the employee is working. The employer shall maintain a current accurate list of employees.
   1. A registration shall be valid for only the employee's current place of employment and must be updated at least every twelve months.
   2. Upon a change of employment from one brothel the prostitute must re-register and be issued a new registration card for her new place of employment.
   3. The provisions of subdivision B of this subsection shall not apply to an employee who changes the place of employment from one brothel to another provided both brothels are owned by the same licenses. (Prior code § 18.12)

5.16.130 Fees—License suspension.
A. Any person violating these rules and regulations can, by action of the board, have his/her license suspended or revoked.
B. A fee of twenty-five dollars shall be paid by every registered employee at the time of employment.
C. Should a prostitute terminate from a brothel and return to the same establishment within the same calendar quarter, a re-registration fee of ten dollars shall be required and paid by the employee. 105
prior to re-employment. Termination shall not be interpreted to include regular vacation from employment.

D. A registered employee who changes places of employment shall be required to pay a fee of ten dollars. The fee provision of this section shall not apply to an employee who changes places of employment to another providing both brothels are owned by the same licensee. This section shall also not apply to a change of employment which does not exceed a period of forty-eight hours. In any event, the licensee shall inform the sheriff within twenty-four hours when an employee changes her place of employment.

E. The fee paid by a licensee shall not inure to the benefit of another licensee.

F. No proration of any required fee shall be allowed or granted.

G. The fee paid by an employee shall be evidenced by an employee registration card.

H. Each licensee shall be responsible to assure each employee and prostitute has a current registration card. The licensee shall immediately notify the sheriff of the termination of any employee from a licensed location.

I. No license fee, or portion thereof, is refundable.

J. All license fees shall be collected and disposed of by the sheriff in the same manner as ordinary business license fees.

K. No license granted may be transferred and no operation shall be relocated or moved without a new license application and approval.

L. Every licensee shall maintain the license on the business so that the same may be readily available to any member of the board upon request.

M. Every licensee shall pay a license fee of fifty dollars per quarter for each licensed brothel. Upon any change in licensees, the new licensee shall pay a license fee of one hundred dollars per quarter for each licensed brothel.

N. Every licensee shall, in addition, be responsible for proper application and maintaining of any other license that may be required for any situation that requires license by statute or ordinance, i.e. business license, liquor license, etc. (Prior code § 18.13)

5.16.140 Violation—Penalty.

Any person convicted of violating any provision of this chapter shall be punished by a fine not to exceed one thousand dollars or by imprisonment in the Lander County Jail for not more than six months, or both such fine and imprisonment. (Prior code § 18.14)