

Lyon County Nevada
Title 5 Business and License Regulations
CHAPTER 3
PROSTITUTION

5.03.01: TITLE:

This Chapter shall be known as the *LYON COUNTY BROTHEL ORDINANCE* . (Ord. 336, 2-2-90)

5.03.02: PURPOSE:

Public health, safety and welfare will be promoted by the adoption of this Chapter which licenses, regulates and controls prostitution within the County and prohibits any prostitution within the County except as conducted in accordance with the provisions of this Chapter. (Ord. 336, 2-2-90)

5.03.03: DEFINITIONS:

When used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

APPLICANT: Any person, firm, or corporation applying to the Board for a license under the provisions of this Chapter, together with all persons listed in subsections 5.03.06A and B of this Chapter.

BOARD: The Board of County Commissioners.

EMPLOYMENT CARD: The card issued by the Sheriff to each employee, other than a prostitute, authorizing them to be an employee at a licensed operation.

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

WORK CARD: The card issued by the Sheriff to each prostitute authorizing them to work at a licensed operation. (Ord. 336, 2-2-90)

5.03.04: PROSTITUTION PERMITTED; COMPLIANCE WITH PROVISIONS:

A. Prostitution Permitted: 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.

B. Compliance with Provisions:

1. Chapter Provisions:

a. It is unlawful for any person to keep or operate any house of prostitution, house of ill fame or bawdy house of any description within the County except as provided in this Chapter.

b. It is unlawful for any person to practice prostitution, to solicit business for a prostitute or to procure any person for the purpose of prostitution within the County except as provided in this Chapter.

2. Zoning: No licenses shall be issued without the prospective licensee first obtaining proper zoning for the proposed operation. (Ord. 336, 2-2-90)

5.03.05: LICENSE IS A PRIVILEGE:

No applicant for a license or other affirmative Board approval has any right to a license or the granting of the approval sought. Any license issued or other Board approval granted pursuant to the provisions of this Chapter is a revocable privilege and no holder acquires any vested right therein or thereunder. (Ord. 336, 2-2-90)

5.03.06: APPLICATION FOR LICENSE:

Any person desiring to operate a house of prostitution within the County shall apply to the Board for a license to operate such house of prostitution. Such license application shall contain the following information:

- A. Names, ages and addresses of all persons who have or will have more than a five percent (5%) financial interest in the operation.
- B. Names, ages and addresses of persons who are or will be personally responsible for the conduct and management of the operation.
- C. A recent photograph and complete set of fingerprints of all persons listed in subsections A and B of this Section.
- D. 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.
- 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 convictions of the applicant for any crime, excluding minor traffic violations; such list shall include a statement of the offense, the place of its occurrence, and the date of its occurrence.
- H. A complete and accurate financial statement of the applicant.
- I. A legal description of the property upon which the proposed operation is to be conducted, together with copies of all deeds, mortgages, deeds of trusts, liens or other encumbrances, leasehold interests or other interests relating to the property.
- J. Names, ages and addresses of all persons who have or will have leasehold interests in the property.
- K. Any other information deemed necessary or useful by the Board. (Ord. 336, 2-2-90)

5.03.07: INVESTIGATION OF APPLICANT; LICENSE GRANTED OR DENIED:

- A. Investigation Fee: All license applications under the provisions of this Chapter shall be filed with the County Clerk, along with the full investigation fee which will be set by the Board by resolution and is subject to change without any prior notice to potential applicants. (Ord. 400, 7-21-94, eff. 8-5-94)
- B. Sheriff's Investigation: Upon presentation of any license application to the Board, the Board shall refer such application to the County Sheriff for investigation. The Sheriff shall conduct a full investigation of all

information contained in the license application, which investigation shall include, but shall not be limited to, the following:

1. A complete check of all records of the Federal Bureau of Investigation and any other similar organization concerning the criminal record of any applicant.
2. A personal interview with each applicant.
3. An interview, either personal or by mail, with all employers of the applicant and business associates of the applicant, as shown in the license application.
4. Examination of the financial statement and financial background of the applicant.
5. Any other investigation deemed necessary or useful by the Sheriff.

C. Investigation Report: As soon as practicable after any application is referred by the Board to the Sheriff, the Sheriff shall report the results of his investigation in writing to the Board, such report shall include, but shall not be limited to, the following:

1. A complete statement of the 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.

D. Board Response: Within thirty (30) days after receiving the Sheriff's report, the Board may:

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.
4. Grant or refuse to grant a license under the provisions of this Chapter. (Ord. 336, 2-2-90)

E. Criteria for License Denial: The Board may refuse to grant a license to any applicant who, in the opinion of the Board, is not appropriate for any of the following reasons: (Ord. 336, 2-2-90; 1991 Code)

1. Who has been convicted of any felony.
2. Who is financially insolvent or undergone a prior bankruptcy proceeding.
3. Who has a history of financial instability.
4. Who has wilfully omitted or incorrectly stated any material fact in the application.
5. Who has any financial interest in or connection with any business which is illegal where such business is located.
6. Whose license under the provisions of this Chapter would not be in the best interest of the health, welfare or safety of the County or its residents.

7. Whose proposed establishment is not in correct zoning.

8. Who has associates that the Board considers inappropriate for the operation of this privileged business.

F. Re-Application Upon License Denial: Upon denying any application for a license under the provisions of this Chapter, the Board may grant the applicant thirty (30) days within which to cure any defect in the application, and such application may be again submitted to the Board for consideration, as herein provided, within thirty (30) days after such denial.

G. Approval or Denial of License; Reasons: The Board shall grant or refuse to grant a license after consideration of any application. Any refusal to grant a license will be accompanied by the specific findings of fact and reasons for the denial. (Ord. 336, 2-2-90)

5.03.08: LICENSE FEES; PENALTIES FOR NONPAYMENT:

A. License Fees Established: Every licensed operation shall pay licensing fees per quarter, in advance of July 1, October 1, January 1, and April 1 of each year, for the privilege of operating a house of prostitution in the County. The Board will set licensing fees by resolution and such fees are subject to change without prior notice to license holders.

License fees shall be paid to the County Clerk, quarterly, for deposit with the County Treasurer, to be credited to the Building or Capital Acquisition Fund. (Ord. 400, 7-21-94, eff. 8-5-94)

B. Penalties for Nonpayment: All brothel license fees due under this Chapter shall be considered delinquent if not paid in full on or before the fifteenth day following the due date. The penalties for delinquent fees shall be as follows:

A penalty of fifteen percent (15%) of the payment shall be added to all payments received after the fees have become delinquent.

C. Nonpayment of Brothel Fees; License Revocations: Any brothel fees which are not paid within fifteen (15) days after the due date, including all accrued penalties, shall be grounds for revocation of the brothel license. (Ord. 365, 3-19-92, eff. 4-3-92)

5.03.09: ISSUANCE OF LICENSE; CONTENTS; TERM:

Upon approval of all applications connected with an operation, the Board shall issue a license for the operation, which license shall state:

A. The names and addresses of all licensees connected with the operation.

B. The address or location of the operation.

C. Any restrictions or limitations imposed by the Board.

D. The date of issuance of the license.

E. The date of expiration of the license.

All licenses shall be issued for a quarterly period. (Ord. 336, 2-2-90)

5.03.10: NUMBER OF LICENSES; LOCATION:

The number of licenses in each township shall be as follows: The Board shall issue no more than four (4) licensed operations under the provisions of this Chapter, and all licensed operations shall be located in an X Zone ¹⁵. (Ord. 336, 2-2-90)

5.03.11: TRANSFER OF LICENSE:

No license granted under this Chapter may be transferred without the consent of the Board, said consent having been obtained after the proposed transferee has complied with all requirements as herein provided. (Ord. 336, 2-2-90)

5.03.12: LICENSE RENEWALS:

Five (5) days before the expiration date of any license, the licensee shall apply to the Sheriff, on forms provided, for a renewal. If any written complaint regarding the operation shall have been received during the immediately preceding license period, the Sheriff shall forthwith transmit the renewal application to the Board which shall, within five (5) days, investigate the complaint or complaints and either grant or deny the renewal. If no such complaints have been received, the Sheriff may issue the renewed license. In determining whether to grant a renewal, the Board may conduct hearings, 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.

Failure of any licensed operation to apply for a renewal, as required in 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 all requirements of this Chapter relating to original license applications. (Ord. 336, 2-2-90)

5.03.13: RESTRICTIONS ON LICENSE:

A. Location and Premises: Every license issued under the provisions of this Chapter shall have the following restrictions:

1. Location ¹⁶: No licensed operation may be:

- a. Located within the geographical limits of any incorporated city or unincorporated town within the County.
- b. Located within three (3) miles of the boundary of any incorporated city or unincorporated town within the County.
- c. Conducted in violation of any city, County, State, or Federal ordinance, statute or regulation. (Ord. 336, 2-2-90)

2. Signs: All licensed operations may have one appropriate sign above the entrance and one directional off premises sign leading to the facility. Prior to any existing signs being changed or new signs being erected, the size, content, appropriateness, location and placement of the sign shall be approved by the Board. All off premises signs shall be placed in a location off the right of way and in a manner so as not to constitute a hazard. The illumination of off premises signs by external, internal or independent sources of light is prohibited along with the use of fluorescent or any other reflective material on signs along any County or State right of way. Off premises signs can only be in a rectangular shape not exceeding four feet by eight feet (4' x 8'). Sign faces can only contain the colors of black or white. (Ord. 399, 6-16-94, eff. 7-8-94)

3. Fences: All licensed operations shall be enclosed by a fence not less than six feet (6') in height; such fence shall be equipped with an entrance gate that will prevent access to the premises unless the gate is opened from the inside.

B. Other Restrictions: The Board may, at its discretion and to promote the health, safety and welfare of the people of the County and to promote the orderly conduct of the operation, impose additional restrictions including, but not limited to, the following:

1. Limitation of the hours per day and/or days per week that an operation may be conducted.
2. Limitation of the number of prostitutes that may be employed in an operation.
3. Limitation on the type or size of building in which an operation may be conducted.

The Board may impose restrictions pursuant to this subsection prior, during or after issuance of license. (Ord. 336, 2-2-90)

5.03.14: REQUIREMENTS FOR EMPLOYEES:

A. Prostitutes:

1. Registration and Work Card:

a. Registration and Work Card Required; Application: Every prostitute working at a licensed operation shall be registered with and issued a work card by the Sheriff. The application for registration shall include:

- (1) The name given at birth and all subsequent names or aliases used.
- (2) The age, address and physical description of the prostitute.
- (3) A recent photo and full set of fingerprints of the prostitute.
- (4) Complete employment or working record of prostitute for the preceding three (3) years.
- (5) All addresses of the prostitute for the preceding three (3) years.
- (6) Complete criminal record of the prostitute, including all arrests and convictions, except minor traffic violations; such list shall include a statement of each offense, the place of its occurrence and the date of its occurrence.
- (7) An annual, nonrefundable fee in the amount of fifty dollars (\$50.00) per prostitute.
- (8) A waiver of release of medical information allowing the medical facilities and doctors to provide to the County the results of the referred medical examination and tests.
- (9) An authorization to conduct an investigation into the criminal history of the prostitute.

b. Investigation of Applicant: The Sheriff shall investigate, through all available means, the accuracy of all information supplied by the prostitute on the registration form.

c. Restrictions on Issuance of Work Card: No prostitute may be issued a work card who:

- (1) Has ever been convicted of any crime involving sale or furnishing of any controlled substance.
- (2) Has been convicted of possession or use of a controlled substance in the last five (5) years.
- (3) Has been convicted of a felony within the last five (5) years, except as otherwise herein provided.
- (4) Has been convicted of any crime involving embezzlement or misappropriation of funds within the last three (3) years.
- (5) Has been convicted of petty theft or shoplifting within the last one year.
- (6) Has ever been convicted of any crime involving the use of a deadly weapon against a person.
- (7) Has wilfully made any false statement or omission in the application form.
- (8) Who is under the age of eighteen (18) years.

d. Form and Contents of Work Card; Revocation: The work card of prostitutes shall be in the form and contain the information as designated by the Sheriff. Each card shall remain the property of the County and may be revoked or retained by the Sheriff for just cause.

e. Working at One Location Only; Fee to Change Location: The Sheriff shall be notified as to which licensed operation a prostitute is working. No prostitute shall be authorized to work at more than one licensed operation at a time. A fifty dollar (\$50.00) fee shall be paid each time a prostitute changes the licensed operation at which she is working.

2. Health Examinations:

a. Exams Required: Every prostitute working at a licensed operation shall have a weekly medical examination by a medical doctor licensed to practice medicine in the State of Nevada. Each medical examination shall include testing to be submitted as follows:

- (1) If available to be performed on a competitive basis, the tests must be submitted by the doctor to a laboratory located in Lyon County.
- (2) If the tests cannot be performed on a competitive basis at the laboratory located in Lyon County, then at any State-licensed medical laboratory.
- (3) Once each week, a culture to confirm the presence or absence of gonorrhea and testing to screen for the presence or absence of chlamydia. The frequency of the screening for chlamydia may be changed by the County Health Officer.
- (4) Once each month, a sample of blood to confirm the presence or absence of the antibody to the human immunodeficiency virus or syphilis.
- (5) Once every year, screening for the presence or absence of herpes simplex II virus.
- (6) Include other medically approved tests deemed advisable by the examiner for determining whether the prostitute is afflicted with any infectious or contagious disease.
- (7) All medical examination and tests shall conform to the requirements of the State of Nevada Division of Health, the NRS and the Nevada Administrative Code.

(8) The expense associated with cost of the required medical examination and tests shall be paid by the prostitute directly to the medical providers.

b. Medical Advisors: In order to provide timely, accurate and consistent results of the medical examinations as required herein, medical advisors to the sheriff shall be appointed as herein provided.

(1) The medical advisor shall be a doctor or doctors licensed to practice medicine in the State of Nevada.

(2) The medical advisor(s) shall be appointed, from time to time as required, by a committee comprised of the Sheriff, District Attorney and the Chairman of the County Commissioners.

(3) In appointing medical advisor(s) the committee shall consider input from the Lyon County Public Health Officer, input from representatives of the brothels, availability of medical service, convenience to the Sheriff for receipt of the required documentation, convenience and timeliness of the medical examinations for prostitutes and other relevant factors. The committee shall give preference to doctors who have an established practice of medicine in Lyon County.

(4) The doctors designated as medical advisor(s) to the Sheriff shall be the sole medical providers administering the medical examination and tests, as herein provided, at the licensed operations.

c. Tests by Other Than Medical Advisors: In the event a prostitute shall have the medical examination and tests required, as herein provided, by a doctor other than a doctor designated as an advisor to the Sheriff, the results of said medical examination and tests shall be forwarded to a doctor who has been so designated for review.

d. Certification of Work Eligibility; Approval and Denial:

(1) After the medical doctor, who has been designated as an advisor to the Sheriff, completes the required medical examination and tests, or having received and reviewed the report and test results from another doctor, then that advisor shall certify to the Sheriff that the prostitute is eligible for a work card. Each certificate shall specify the date of the examination and shall be valid for seven (7) days from the date of the certificate. The expense associated with this review and certification shall be paid by the prostitute directly to the doctor.

(2) No person who has ever been denied a certificate by an examining doctor, as herein provided, may again work as a prostitute in any licensed operation until such person has received and presented to the Sheriff a certificate from the appropriate State health personnel stating that the cause or causes which resulted in the denial of the certificate have been cured and that the person is now free of any venereal disease or other contagious or infectious disease and has complied with all other requirements of this Chapter.

e. Designated Medical Facility:

(1) A designated medical facility shall be appointed, from time to time as required, by a committee which is comprised of the Sheriff, District Attorney and the Chairman of the County Commissioners.

(2) The licensed operation shall provide a copy of the results of all medical tests of prostitutes to the designated medical facility on a quarterly basis.

(3) The designated medical facility shall review the medical tests. In reviewing the certificate the designated medical facility may:

(A) Contact the examining physician and discuss procedures utilized in connection with the examination required in subsection B2a hereof and recommend changes in procedures.

(B) Contact the licensed and approved clinical laboratory processing the culture test required by the provisions of this subsection A2.

(C) Discuss with the Health Division of the Department of Human Resources of the State the tests required and recommend changes to be adopted by the Health Division of the Department of Human Resources of the State.

(D) Report to the Sheriff the results of its review.

(E) Require every licensee, at the sole cost and expense of the licensee or prostitute, to pay to the designated medical facility the lesser of a weekly fee of one hundred twenty five dollars (\$125.00) or an amount equivalent to ten dollars (\$10.00) per prostitute working at licensee's place of business, per week, for the prior quarter. Said fee shall be paid quarterly.

f. Seizure of Work Card: Upon receiving information that a prostitute is afflicted with an infectious or contagious disease or has not obtained a current medical examination, as herein required, or is no longer entitled to a work card, the Sheriff shall immediately seize any work card previously issued.

B. Employee Registration and Employment Card:

1. Registration and Work Card Required; Application: Each employee present at or employed by a licensed operation shall register with and be issued an employment card by the Sheriff. The application for an employment card shall include:

- a. The name, age, address and physical description of the employee.
- b. A recent photo and full set of fingerprints of the employee.
- c. Complete employment record of employee for the preceding five (5) years.
- d. All addresses of the employee for the preceding five (5) years.
- e. Complete criminal record of the employee including all arrests and convictions, except minor traffic violations; such list shall include a statement of each offense, the place of its occurrence and the date of its occurrence for the preceding five (5) years.
- f. An annual, nonrefundable fee in the amount of fifty dollars (\$50.00).

2. Investigation Of Applicant: The sheriff shall investigate, through all available means, the accuracy of all information supplied by the individual on the registration form.

3. Restrictions On Issuance Of Work Card: No employee may be issued a work card who:

- a. Has ever been convicted of any crime involving sale or furnishing of any controlled substance.
- b. Has been convicted of possession or use of a controlled substance in the last five (5) years.
- c. Has been convicted of a felony within the last five (5) years, except as otherwise herein provided.

d. Has been convicted of any crime involving embezzlement or misappropriation of funds within the last three (3) years.

e. Has been convicted of petty theft or shoplifting within the last one year.

f. Has ever been convicted of any crime involving the use of a deadly weapon against a person.

g. Has wilfully made any false statement or omission in the application form.

h. Is under the age of eighteen (18) years. (Ord. 336, 2-2-1990)

4. Notice Of Employment Change; Fee: Each employee shall notify the sheriff at which licensed establishment said employee is working. An employee may work in one or more licensed establishments under the same ownership if the employee applies, pays for and receives a separate registration and work card for each establishment. Upon change of employment to another licensed establishment, an employee shall pay a fee of fifty dollars (\$50.00) to the sheriff for each change.

Licensed prostitutes may not register nor apply for more than one work card at any given time. The privilege outlined within this subsection B4 is only for the benefit of those regular nonprostitute employees. (Ord. 467, 5-16-2002, eff. 5-31-2002)

5.03.15: PROHIBITED CONDITIONS:

A.Minors: It is unlawful:

1. For any person under the age of eighteen (18) years, except as otherwise specified in this chapter, to enter or be a patron of any operation licensed under the provisions of this chapter.
2. For the licensee of any operation licensed under the provisions of this chapter or for any employee of such licensee or working prostitute to compel, entice, encourage, permit or suffer any person under the age of eighteen (18) years to enter or be a patron of any operation licensed under the provisions of this chapter.
3. For any operation licensed under this chapter or for any licensee or for any employee of any licensee or working prostitute 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.

B.Advertising: It is unlawful to advertise or promote any operation licensed under this chapter, except as specifically designated herein.

C.Unauthorized Persons: It is unlawful for any licensed operation to allow persons on the premises except for the owners, licensed employees, working prostitutes, potential customers or authorized emergency, medical or county agents or employees. (Ord. 336, 2-2-1990)

5.03.16: REVOCATION OF LICENSE:

A. The Board may 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 of any provision of this Chapter by the licensee or any employee of the licensee or any working prostitute at a licensed operation.
3. The licensee knowingly permitting the existence of any health hazard on the premises occupied by the licensed operation or employing any person or allowing a prostitute to work when such person does not have a work card as herein required.
4. Wilful refusal of the licensee to comply with any order of the Sheriff or Board.
5. Any other cause which the Board may determine, in its sound discretion, to be deleterious to the health, welfare and safety of the general public.

B. Before 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 forty eight (48) 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 state with specificity any causes of revocation found by the Board.
5. Enter in the minutes of the Board an order revoking or refusing to revoke the license. The Board may impose any lesser penalty or conditions reasonable under the circumstances as a condition of not revoking a license.

C. Notice of revocation shall be served upon the licensee or posted upon the premises occupied by the licensed operation. Revocation shall be effective upon service or posting of the notice. (Ord. 336, 2-2-90)

5.03.17: VIOLATIONS AND PENALTIES:

In addition to the other penalties, as herein provided, any person violating any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 336, 2-2-90)