

Bill No. ____

Ordinance No. 20-2_____

Summary

An ordinance amending Storey County Code to add zoning regulations for brothels by adding chapter 17.52 B Brothel zone and amending chapter 5.16 to require zoning approval by the board of county commissioners.

Title

An ordinance amending Storey County Code to add zoning regulations to brothels by adding chapter 17.52 B Brothel zone district, amending chapter 5.16 to require zoning approval by the board of county commissioners and providing for other properly related matters.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

SECTION I: Chapter 17.08 is amended as follows:

17.08.020 Zoning districts.

For the purpose of this title, all land in Storey County is divided into zoning district that are designated as follows:

A	Agricultural	
<i>B</i>	<i>Brothel</i>	
C	Commercial	
CR	Commercial-Residential	
E	Estates (1, 2.5, 5, 10 and 40 acre parcels)	
E-1-VCH	Estates 1 acre--Virginia City Highlands	
E-10-HR	Estates 10 acres--Highland Ranches	
E-40-VR	Estates 40 acres--Virginia Ranches	
F	Forestry	
H	Historic Overlay District	
IC	Industrial-Commercial	
I1	Light Industrial	
I2	Heavy Industrial	
I3	Heavy Industrial	
IS	Special Industrial	
MHP	Manufactured--Mobile Home Park	

NR	Natural Resources	
P	Public	
PUD	Planned Unit Development Overlay District	
R1	Single-Family Residential	
R2	Multifamily Residential	
SPR	Special Planning Review	

SECTION II: Chapter 17.52 Brothel zone district is added as follows:

Chapter 17.52

B Brothel

Sections:

17.52.010 Applicability.

17.52.015 Purpose and intent.

17.52.020 Unsuitable locations and buildings.

17.52.025 Allowed uses.

17.52.030 Allowed uses with a licensed brothel on the premises.

17.52.040 Height and width of buildings and structures.

17.52.050 Minimum parcel area.

17.52.060 Setback requirements.

17.52.070 Use density, minimum dwelling area, and parcel width.

17.52.010 Applicability.

The provisions under this chapter apply to the B Brothel zone.

17.52.015 Purpose and intent.

It is the duty of the board of county commissioners, with action by the planning commission, to hear requests for a brothel zone and for the board to hear all zoning complaints pursuant to NRS 278 and title 17 in connection with a brothel zone. The board must determine the boundary of the brothel zone, which may include separate but contiguous parcels owned by the licensee that are included in the brothel zone. The brothel zone is intended to provide for appropriate placement of licensed brothels within the county, and the zone allows for certain commercial or adult activity when a brothel is not operating on the premises. A brothel zone may contain multiple parcels if the parcels are adjoining.

17.52.020 Unsuitable locations and buildings.

The board may deny a new brothel zone application if the board finds that the place or location for which the zone is sought is unsuitable for the conduct of a brothel. The following places are deemed unsuitable for a brothel zone:

A. Premises located within one mile of a church, a public, private or parochial school or academy, a children's public playground, or residential zone and use.

- B. Premises difficult to police or difficult to access by police and emergency services.
- C. Premises abutting a gaming establishment, saloon or tavern, or motel or hotel not affiliated with the brothel.
- D. Premises located within the historic districts as defined by NRS 384.100 and other sites of historical or public interest, as may be designated by the board.
- E. All properties located within the Tahoe-Reno Industrial Center, including all contiguous property, excluding currently licensed brothels at the time of passage of this ordinance.
- F. Properties requiring primary ingress or egress across BLM controlled property, previously known as the Mustang Ranch, require written approval of easement access from the United States Department of the Treasury, the United States Department of the Interior acting through the Bureau of Land Management (BLM) and the United States Attorney's Office prior to acceptance of application.
- G. The foregoing uses and circumstances in this section which occur after the B Brothel zone approval will not affect the approved zone or the allowed uses therein.

17.52.025 Allowed uses.

Uses allowed in the brothel zone are as follows:

- A. Retail uses, including convenience and general stores.
- B. Eating and drinking establishments such as restaurants, drive-ins, coffee houses, and soda fountains.
- C. Equestrian establishments.
- D. Dude or guest ranches.
- E. Museums.
- F. Gaming establishments.
- G. Hotel, motel, bed-and-breakfast inn, time-share, hostel, recreational vehicle park, and other transient commercial uses.
- H. Personal services:
 - 1. Barbers, hair stylists, beauticians, manicurists/pedicurists, spas, salons, tailors, massage establishments, and similar type uses
 - 2. Wedding chapels and travel agencies.
 - 3. Laundromats, laundry and dry-cleaning pick-up service; personal dry-cleaning services.
 - 4. Veterinarian services indoor and outdoor.
- I. Saloons, taverns, brew-pubs, micro-breweries, micro-distilleries; and micro-wineries with on- and off-site sales.
- J. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.
- K. Uses and circumstances listed in section 17.52.020 which occur after the B Brothel zone approval will not affect the approved zone or the allowed uses listed in this section.

17.52.30 Allowed uses with a licensed brothel on the premises.

The following uses are allowed in the brothel zone only when a brothel license is granted for the premises pursuant to chapter 5.16 of the county code:

- A. One or more licensed brothel facilities.

B. Adult retail and adult uses owned and operated by the brothel licensee.

C. Residential uses exclusively for the owner of the licensed brothel and the licensed brothel owner's family and guests; employees directly associated with the licensed brothel; independent contractors that work as prostitutes, grounds keepers, food and beverage preparers, housekeeping, and other services at the licensed brothel; and healthcare providers and agents of the licensed brothel. Residential uses must be owned solely by the licensed brothel owner. Residential uses not owned by the licensed brothel owner are prohibited.

D. Uses and circumstances listed in section 17.52.020 which occur after the B Brothel zone approval will not affect the approved zone or the allowed uses listed in this section.

17.52.040 Height and width of buildings and structures.

A building, manufactured home, or structure may not exceed a height of 3 stories or 55 feet, whichever is higher, except as may be allowed by a variance. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12.044 Height of buildings and structures.

17.52.050 Minimum parcel area.

The minimum parcel areas required in the B brothel zone is ~~4~~ 20 acres, except for licensed brothels that existed before this ordinance that may use the size of their existing premises.

17.52.060 Setback requirements.

Minimum setbacks for a principal building in the B Brothel zone are ~~20~~ 50 feet front, sides, and rear.

17.52.070 Use density, minimum dwelling area, and parcel width.

The density for commercial, residential, and mixed uses is regulated as follows. Uses must also comply with setback and minimum parking area requirements in this chapter and chapter 17.12 General provisions.

A. There is no minimum square-foot requirement for a commercial use except as may be required by the International Building Code (IBC).

B. Single-family detached residential dwellings must be at least 800 square-feet unless a special use permit is granted pursuant to section 17.30.030.

C. For single-family attached and multifamily dwellings, one dwelling unit is allowed for every 2,000 square feet of gross lot area.

SECTION II: Chapter 15.16 is amended as follows:

5.16.020 Definitions.

When used in this chapter, the following words and terms *are defined as follows:*

"Applicant" means any person, including a trustee of an inter vivos trust, a director, officer or shareholder of a corporation, or a member or manager and owner of a limited liability company applying to the board for a license under the provisions of this chapter.

"Board" means the Storey County Board of County Commissioners.

~~"Board" means the Brothel Licensing Board of Storey County consisting of the board of~~

~~county commissioners and the sheriff of Storey County.~~

"Brothel" means a business engaged in prostitution, sex-for-hire services, and all associated activities allowed ~~and~~ ~~or~~ approved under this chapter.

"Escort" means any person who, for a compensation of any type, accompanies any other person to or about social affairs, places of entertainment or amusement, or who consorts with others about any place of public resort or within any private quarters outside of a brothel.

"Escort service" includes any person, business or agency which, for compensation of any type, furnishes or offers to furnish escorts, also known as "outdating."

"Licensed operation" means a brothel duly licensed and operated in accordance with the provisions of this chapter.

"Licensing board" means the Brothel Licensing Board of Storey County consisting of the three county commissioners and the sheriff of Storey County

"Operational control" means the control of or the ability to control any substantial business decision involving a brothel.

"Premises" means the brothel building, accessory buildings used by customers, and area within the fenced enclosure, if any, of the building.

"Work card" means the card issued by the sheriff to each employee and to each prostitute authorizing them to work at a licensed operation.

5.16.040 Powers of the licensing board.

A. The licensing board has the ~~sole~~ authority to ~~grant~~ approve or deny a ~~permit~~ license to operate a brothel, and ~~the sole authority may recommend to the board of county commissioners for approval to make, alter and rescind~~ all necessary regulations setting forth the terms and conditions under which ~~permits licenses and work cards~~ may be applied for, the terms and conditions under which ~~permits licenses~~ may be applied for granted, transferred, revoked or canceled, the forms, fees, requirements, and procedures for processing work cards, ~~where brothels may be located within the county~~, and any and all other regulations necessary regarding the conditions under which the brothels may be allowed to operate.

B. It is the duty of the licensing board to carry out terms of the provisions of this chapter, and to see that this chapter is enforced.

C. Powers of the licensing board include, but are not limited to, the power to:

1. Receive all license and general manager applications.
2. Investigate all applicants.
3. Grant or refuse to grant the license.
4. Approve or disapprove a general manager for a licensed operation.
5. Receive complaints concerning alleged violations of this chapter.
6. Restrict, revoke or suspend licenses for cause after a hearing. In an emergency the licensing board may issue an order for immediate suspension or limitation of a license, but the order must state the reason for suspension or limitation and afford the licensee a hearing.
7. Exercise the power and authority necessary to perform the duties assigned it.
8. Hear appeals from enforcement actions of the sheriff.

5.16.050 License application--Filing and investigation.

A. All license applications for a brothel must be filed with the sheriff's office along with a nonrefundable investigation fee, set by resolution of the board of county commissioners, for each

applicant. Before a hearing on the license application may be considered by the licensing board, the board of county commissioners, with action by the planning commission, must approve a brothel zone for the parcel containing the premises of the brothel and any other adjoining parcels. This requirement of a brothel zone approval does not apply to brothel uses existing before the approval of this ordinance with a previously approved license. If the actual total cost of investigating any license application exceeds the fee, the applicant will be responsible for and pay to the county the amount in excess before the license may be approved. At time of application, the first three months' license fee must be deposited with the sheriff's office. If the application is denied, the license fee deposit must be refunded.

B. Any applicant whose place of business will be conducted by a general manager and any brothel licensee who changes a general manager, is required to submit an application for the general manager and is required to report the change of a general manager, and must pay an additional nonrefundable investigation fee for each designated general manager.

C. Any person, director, officer or shareholder of a corporation, member or manager of a limited liability company, or the principal of any firm or association having any financial interest, including revenue or income participation, operational control, or ownership interest in the brothel must submit an application as a co-licensee pursuant to section 5.16.060 and pay an additional nonrefundable investigation fee. Beneficiaries of a trust that is an owner of an entity that manages a brothel are not required to be licensed as long as the trustees that have effective control of the trust are licensed.

D. Banking and financial institutions that lend to a brothel operator, owner or landlord are not required to submit a license application unless the lending instruments include revenue or income participation, or operational control of the brothel business. For the purposes of this section "banking and financial institutions" means any bank, savings and loan association, savings bank, thrift company, credit union, or other financial institution that is licensed, registered or otherwise authorized to do business in Nevada.

~~E. A loan related to the brothel equal to or greater than twenty-five thousand dollars must be reported to the sheriff and loan documents must be provided within thirty days.~~

5.16.060 License applications—Contents.

Any person desiring to own or operate a brothel within the county must apply to the licensing board for a brothel license. The application for the brothel licensee must be filed at the sheriff's office on a form approved by the licensing board. An applicant applying for brothel license after the effective date of this ordinance must first apply for a zone change for the parcel containing premises and any adjoining parcels proposed to be part of the project, owned by the applicant, to brothel zone. The application for the zone change to brothel zone must be filed with the director of planning. ~~An~~ The applicant for a brothel license must be a natural person applying as an owner, co-owner, or general manager of the brothel, or as a trustee on behalf of an inter vivos trust, or as director, officer or shareholder on behalf of a corporation, or as member or manager and owner on behalf of a limited liability company that owns or will own the brothel. Applicants must be a resident of the state of Nevada.

A. The application must set forth:

1. The applicant for the license, including:

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

b. Names, ages, and addresses of persons who are or will be personally responsible for the conduct and management of the operation;

c. Names, ages, and addresses of all persons designated as trustees of an inter vivos trust, directors, officers or shareholders of a corporation, or members or managers of a limited liability company;

2. A recent photograph and complete set of fingerprints of all persons listed in subsection (A)(1) of this section;

3. Names and addresses of any other businesses an applicant has a financial or ownership interest in and the type of business and the nature of the applicant's interest;

4. Names and addresses of each of the applicant's current and former employers for the preceding ten years;

5. The applicant's current address and all former addresses in the preceding ten years;

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

7. A complete and accurate financial statement of the applicant prepared by a licensed certified public accountant;

8. Complete federal income tax returns for the applicant for the preceding five years

9. The street address and legal description of the ~~property~~ brothel premises, upon which the proposed brothel is to be located. The applicant must submit ~~together with~~ copies of all deeds, mortgages, deeds of trust, liens or other encumbrances, leasehold interests, or other interests relating to the property;

10. A ~~complete list of any children the applicant has under the age of eighteen, including names, addresses, phone numbers, any court orders for child support and an affidavit that all child support payments are current;~~

11. A court certified copy of the inter vivos trust if applicant is designated trustee, the bylaws of a corporation, or the operating agreement of a limited liability company;

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

13. A list consisting of a minimum of three verifiable personal references with addresses and telephone numbers; and

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

5.16.070 - Restrictions on licensing

A. The board must apply the following restrictions to every licensed operation:

1. Signs. Each licensed operation may have up to three signs. All off-premises signs must be placed in a location off the right-of-way and in a manner so as not to constitute a hazard. The community development department must approve all signs.

2. Fences. All licensed operations, individual or resort property oriented, must include designated perimeter barriers (fences, berms or other approved forms of separation) and a resort-style entrance gate that will restrict access to the brothel property. No prostitution related activities may be conducted outside of the designated perimeter.

B. Topless shows or other exhibitions involving the exposure of human genitals, pubic region, or buttocks, or any adult movies whose program during a substantial part of the time, contains one or more motion pictures which are rated "X" by the Code Rating Administration

of the Motion Picture Association of America, or which is not rated, but whose program is intended to appeal to the prurient interests of the client are allowed in a licensed brothel and may not be permitted or licensed by the board outside of a licensed brothel.

C. The board may, to promote the health, safety and welfare of the people of the county, or to promote the orderly conduct of the operation, impose additional restrictions, including, but not limited to, the following:

1. Limit the hours per day or per week that a licensed operation may be conducted;
and

2. Limit the type, signing and size of building in which a licensed operation may be conducted.

3. Limit the number of prostitutes that work in an operation.

D. The board may impose restrictions pursuant to this section prior, during, or after issuance of license.

E. Subject to Nevada State Law, gaming may be permitted in the premises.

F. In the interests of the public health, safety, morals, and general welfare, the number of licenses issued under this chapter is limited to five.

G. Escort services may only be allowed in association with a licensed operation and may be allowed only under an additional and separate specific escort license, subject to a written agreement for each transaction for escort services acknowledging:

1. The brothel is not licensed outside of Storey County.

2. Prostitution is not allowed in Washoe County, Reno, Sparks, Carson City or the Nevada areas of Lake Tahoe.

3. Escort services are for purposes of entertainment, dining, gaming (casino gambling), dancing, shopping, sight-seeing or other similar activity.

4. Escort and client may not leave the State of Nevada.

5. Prostitution or solicitation of sexual activity away from the licensed operation is prohibited.

5.16.080 Unsuitable locations and buildings.

~~A. The board may deny any application if the board finds that the place or location for which the license is sought is unsuitable for the conduct of a brothel. The following places or locations may be deemed unsuitable:~~

~~1. Premises located within one mile of a church, hospital, school, military or naval reservation, children's public playground or residential area;~~

~~2. Premises difficult to police or difficult to access by police and emergency services;~~

~~3. Premises adjoining a gambling house, motel, hotel, licensed cocktail lounge not part of the brothel, or another brothel;~~

~~4. Premises located within the historic districts as defined by NRS 384.100 and other sites of historical or public interest, as may be designated by the board;~~

~~5. All properties located within the former McCarran Ranch, including all contiguous property, excluding currently licensed brothels; and~~

~~6. Properties requiring primary ingress or egress across BLM controlled property, previously known as the Mustang Ranch, require written approval of easement access from the United States Department of the Treasury, the United States Department of the Interior acting~~

~~through the Bureau of Land Management (BLM) and the United States Attorney's Office prior to acceptance of application.~~

A. The licensing board may deny any application if the board finds that the building for which the license is sought is unsuitable for the conduct of a brothel. Without limiting the foregoing, the following may be deemed unsuitable:

1. A building that is or is proposed to be located in a mobile home, which will not be converted to real property.
2. A factory-built housing building, which will not be permanently affixed to the land.
3. A manufactured home, which will not be permanently affixed to the land.
4. An RV vehicle.

5.16.100 Issuance of license and automatic renewal.

The requirement of a brothel zone approval does not apply to licensed brothel uses existing before the approval of this ordinance. A licensed brothel existing before this ordinance is exempt from the brothel zone requirement but may apply for a brothel zone for the existing brothel premises even if it does not comply with the area requirements of the brothel zone. If an existing licensed brothel applies for a zone change for the brothel and is denied a zone change, the brothel may continue as a legal use without brothel zone.

A. Upon approval of an application for a licensee or all co-licensees connected with a brothel, the licensing board may issue a license for the brothel. The license must state:

1. The name and address or location of the brothel.
2. The names of all licensees connected with the brothel.
3. Any restrictions or limitations imposed by the board under this chapter.
4. The date of issuance of the license.
5. The date of expiration of the license.
6. If the applicant fails to construct and receive a certificate of occupancy or commence the brothel use within 12 months from the issuance of the license, the license void. ; ~~which is June 30th, the end of each fiscal year.~~

~~6.7.~~ All licenses are issued on a yearly basis and will renew automatically; provided, that licensee is in substantial compliance with this chapter.

B. The licensing board may issue a temporary license to an applicant for a specific period of time in the case of a licensee's death, disability or insolvency when there is no remaining licensee to operate the brothel. The temporary license entitles the person named in the application to take part in the operation of the brothel and receive profits.

Proposed on _____, 2020.

by Commissioner _____

Passed on _____, 2020.

Vote: Ayes: Commissioners _____

Nays: Commissioners _____

Absent Commissioners _____

Marshall McBride, Chair
Storey County Board of County Commissioners

Attest:

Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2020.