



GARY POLLOCK, Mayor
JONATHAN GOOLSBY, Vice-Mayor
LAURA MOORE DELRIO, Councilwoman
CHRIS MICHELI, Councilman
CR "BETH" SAVEDRA, Councilwoman

JASON PENGELLY, City Manager
SAMANTHA NANCE, City Clerk
PATTI ZANDER, Deputy Clerk

PUBLIC MEETING NOTICE
Of the
CITY OF WELLS BOARD OF COUNCILMEN

The Board of Council of the City of Wells, County of Elko, State of Nevada, will meet in regular session on Tuesday, June 25, 2024, in the Council Chambers of Wells City Hall, 525 Sixth Street, Wells, Nevada
Beginning at 7:00 P.M.

Attached with this Notice is the agenda for said meeting of the Board.

This Notice and Agenda is posted pursuant to N.R.S. 241.020 as amended by the 2013 Legislature. This Notice and Agenda has been posted on or before 9:00 A.M. on the third working day before the meeting at the following locations:

WELLS CITY HALL, 525 Sixth Street, Wells, Nevada
WELLS FIRE STATION, 516 Seventh Street, Wells, Nevada
WELLS POST OFFICE, 201 Castle Street, Wells, Nevada
WELLS RURAL ELECTRIC COMPANY, 1451 Humboldt Avenue, Wells, Nevada
SILVER SAGE SENIOR CITIZEN CENTER, 213 First Street, Wells, Nevada
ROY'S MARKET, 647 Humboldt Avenue, Wells, Nevada

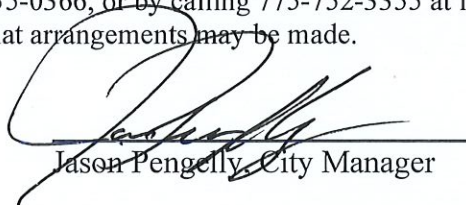
Supporting materials for this meeting may be reviewed at the office of the City Clerk, Wells City Hall, 525 Sixth Street, Wells, Nevada.

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or call (866) 632-9992 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, and 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

NOTICE TO PERSONS WITH DISABILITIES

Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the City Manager, City of Wells, in writing at P.O. Box 366, 525 Sixth Street, Wells, Nevada 89835-0366, or by calling 775-752-3355 at least two (2) days in advance so that arrangements may be made.

A handwritten signature in black ink, appearing to read "Jason Pengelly", is written over a horizontal line. Below the line, the name "Jason Pengelly, City Manager" is printed in a black serif font.

TEL 775.752.3355

FAX 775.752.3419

finance@cityofwellsnv.com

MAILING P.O. BOX 366 • WELLS, NEVADA 89835 PHYSICAL 525 6TH STREET • WELLS, NEVADA 89835

The City of Wells is an equal opportunity employer

**AGENDA
REGULAR MEETING
CITY OF WELLS BOARD OF COUNCIL
TUESDAY, JUNE 25, 2024 7:00 P.M.
COUNCIL CHAMBERS, WELLS CITY HALL
525 SIXTH STREET WELLS, NEVADA**

*Breaks and Recess Actions shall be called for at the pleasure of the Board
rather than by agenda schedule.*

Pursuant to N.R.S. 241.020, 6, notice is hereby given that items on the agenda may be taken out of order, that the Board may combine two or more agenda items for consideration, and that the Board may remove an item from the agenda or delay discussion relating to an item on the agenda any time and if the agenda is not completed, to recess the meeting and continue on another specified date and time.

Pursuant to N.R.S. 241.020, 7, any restriction on comments by the general public must be reasonable and may be restricted to the time, place and manner of the comments, but may not restrict comments based on viewpoint.
Citizens will be allowed to make public comment during each agenda item as well as at the formal Citizens to Address the Board of Councilmen agenda item at the beginning of the meeting.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of minutes of previous meeting(s) **FOR POSSIBLE ACTION**

DELEGATION:

5. Citizens to address the Council
Pursuant to N.R.S. 241.020,2 (c) (3), this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item

NEW BUSINESS:

6. Adam Gazapian with WB Tank and Equipment, LLC to address the Board of Council.
FOR DISCUSSION ONLY
7. Discussion and possible action to provide letter of support for Wells Mainstreet Mall.
FOR POSSIBLE ACTION
8. Discussion and possible action to approve Resolution 24-06, **RESOLUTION TO AUGMENT THE FISCAL YEAR 2023-2024 BUDGET FOR THE CITY OF WELLS. FOR POSSIBLE ACTION**
9. Discussion and possible action to award bid for CDBG/OSG Shoshone Sidewalk, Curb, Gutter Project or to go out to re-bid the project. **FOR POSSIBLE ACTION**
10. Discussion and possible action approve or deny special Liquor License for the Wells Volunteer Fire Department for 4th of July Festivities and Wells Fun Run July 27 - 28, 2024. **FOR POSSIBLE ACTION**

11. Review, discussion, and first reading of Ordinance No. 244, **AN ORDINANCE AMENDING TITLE 3, CHAPTER 6 OF THE WELLS CITY CODE ENTITLED WELLS BROTHEL CODE. FOR POSSIBLE ACTION**

12. Claims Committee Report and possible action to approve financial statement.
FOR POSSIBLE ACTION

13. Councilmen's Report

This time is devoted to comments by Board members for general information or update Purposes and may include reports of involvement in liaison actives/meetings with matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

14. Staff reports

This time is devoted to comments by city Staff for general information or updates purpose. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be action item.

15. Citizens to address the Council

Pursuant to N.R.S. 241.020,2 (c) (3), this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

16. Adjournment

**MINUTES OF WELLS CITY COUNCIL
MEETING OF JUNE 11, 2024**

CALL TO ORDER

Date: Tuesday, June 11, 2024
Time: 7:00 P.M.
Place: Council Chambers, Wells City Hall
525 Sixth Street Wells, Nevada
Type of Meeting: Regular Meeting of City of Wells Board of Councilmen
Presiding Officer: Jonathan Goolsby, Vice-Mayor

ROLL CALL

Present: Jonathan Goolsby, Vice-Mayor
Chris Micheli, Councilman
CR Beth Savedra, Councilwoman

Absent: Gary Pollock, Mayor
Laura Moore-DelRio, Councilwoman

Quorum: Yes

Staff Present: Samantha Nance, City Clerk
Jason Pengelly, City Manager
Patti Zander, Deputy Clerk

PLEDGE OF ALLEGIANCE

Vice-Mayor Goolsby led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Savedra made a motion to approve the meeting minutes dated May 28, 2024. Micheli provided the second and the motion passed unanimously.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

**REVIEW, DISCUSSION AND SECOND READING OF ORDINANCE NO. 243,
AN ORDINANCE AMENDING TITLE 6, CHAPTER 5, SECTION 3 OF THE
WELLS CITY CODE, ENTITLED NUISANCES, DUTY OF MAINTAINING
PROPERTY; OFFENSES; REMEDIES, BY ADDING “F” THEREIN TO
PROVIDE FOR CIVIL PENALTIES TO BE SET BY COUNCIL RESOLUTION**

Minutes of Wells City Council
Meeting of June 11, 2024

This item will be postponed to the next meeting as Vice-Mayor Goolsby will be abstaining so there will not be a quorum to act on this item.

PRESENTATION BY NEVADA PUBLIC AGENCY INSURANCE POOL AND POSSIBLE ACTION FOR APPROVAL OR DENIAL OF INSURANCE RENEWAL FOR FISCAL YEAR 2024-2025

Steven Romero with Pool N Pact, Leah Gregory and Anthony with Gregory Insurance were at the meeting to go over the renewal. Romero stated the city's program consists of property, liability, cyber risk, terrorism coverage and environmental coverage. There are a hundred and forty-one members in the Pool. Romero mentioned some of the services the city receives for free by being a member of the Pool. The e-learning courses have dropped this last year. The Pool tries to minimize loss as a risk management company. Savedra made a motion to approve the Nevada Public Agency Insurance Pool renewal for the fiscal year 2024-2025. Micheli provided the second and the motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 24-04, A RESOLUTION APPROVING TRANSFERS FROM CERTAIN CITY FUNDS TO OTHER FUNDS DURING THE FISCAL YEAR

This is something done every year for the auditors as the city only has one operating account. Savedra made a motion to approve Resolution 24-04, a resolution approving transfers from certain city funds to other funds during the fiscal year. Micheli provided the second and the motion passed unanimously.

REVIEW, DISCUSSION AND FIRST READING OF ORDINANCE NO. 244, AN ORDINANCE AMENDING TITLE 3, CHAPTER 6 OF THE WELLS CITY CODE ENTITLED WELLS BROTHEL CODE

This item will also be postponed as there will not be a quorum to vote.

CLAIMS COMMITTEE REPORT: ACTION TO APPROVE FINANCIAL STATEMENTS

Micheli made a motion to approve the check register dated May 1, 2024 through May 31, 2024 in the amount of \$31,856.47. Savedra provided the second and the motion passed unanimously. Micheli made a motion to approve the Warrant Register dated May 30, 2024 through June 11, 2024 in the amount of \$112,295.73. Savedra provided the second and the motion passed unanimously.

COUNCILMEN'S REPORTS

Savedra has not attended any meeting since the last meeting. Savedra thanked the city for loaning the sod cutter to the school. Savedra feels anyone that comes into the city to

talk to anyone needs to be kinder and does not like it when someone comes in trying to tell staff how to do their jobs and fill out paperwork.

Goolsby stated that football practice is starting already working in the weight room then practicing for an hour and a half.

STAFF REPORTS

Pengelly announced the position at the senior center for the part-time cook/driver has been filled.

Nance and Pengelly will be attending CDBG Training for the next couple of days in Elko and is a mandatory training.

Work is being done on the streets and getting ready for the end of the year. Some paving was done today.

CITIZENS TO ADDRESS THE COUNCIL

There were none.

ADJOURNMENT

The meeting was adjourned at 7:22 p.m.

JONATHAN GOOLSBY, Vice-Mayor

ATTEST:

SAMANTHA NANCE, City Clerk

Agenda Item # 7

Date of Meeting 6-25-24



June 17, 2024

RE: Wells Mainstreet

To Whom it May Concern,

This letter is being written to express the City of Wells' support for the Wells Mainstreet Mall's improvement plans. Improvements to the Wells Mainstreet Mall will allow for continued growth of small businesses in our community.

Wells Mainstreet Mall has greatly benefitted the community with shopping opportunities and community events for the public. In addition, it has allowed small businesses in our area to grow into store fronts. With the planned improvements the mall will offer additional space to more businesses as well as continued downtown beautification.

We hope to see continued success for the Wells Mainstreet Mall as it benefits our community as a whole. Please feel free to contact me with any questions. Thank you for your time and consideration.

Sincerely,

Gary Pollock, Mayor
City of Wells
mayorpollock@gmail.com
775-752-3355



NEVADA MAIN STREET GRANT GUIDELINES – 2024

The Nevada Main Street (NVMS) Grant supports downtown revitalization efforts in communities participating in the Nevada Main Street program.

The purpose of the program is to:

- Facilitate community revitalization that will lead to private investment, job creation or retention, establishing or expanding viable businesses, or creating a stronger tax base.
- Create or maintain a sense of place – “placemaking” or “placekeeping”.

The Nevada Main Street Grant is awarded until grant funds are expended. Grants must be submitted as directed through the Nevada Main Street Program.

FINANCIAL INFORMATION: Approximately \$675,000 is available for Grant funding. The applicant can determine the request amount.

MATCH: Grants may fund up to 100 percent of total project costs – no match is required. Communities with match in the form of cash, in-kind donations, and volunteer time will receive additional points. Project costs outside of the grant period do not qualify as match.

BUDGET INFORMATION: Bids for projects over \$100,000 and estimates or quotes for those under \$100,000 are required. Estimates or quotes must be submitted with the grant application, bids may be submitted after award. The \$100,000 bid requirement is per project, not per organization.

PRESERVATION REQUIREMENTS: The application must convey that all work will be consistent with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties. If a building is not historic, the Standards for compatible additions within a historic district apply. This does not apply if the building is not historic and also is not in a historic district.

<http://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>

GRANT REPORTING AND PAYMENT: Awarded projects will be the subject of binding agreements between the NVMS and the applicants. Grant funds are dispersed on a reimbursable basis. Up to 20 percent of grant funds may be provided in advance for awards, as an obligation. Details of payment arrangements and grant reporting will be provided at the time of award.

GRANT TIMELINE:

Deadline: Tuesday, June 18, 2024

Notification: Monday, July 8, 2024

Project Reporting deadline: All funds must be drawn down by June 30, 2025.

CRITERIA: (10 points each)

- The project supports main street revitalization and economic and community development.
- The project supports placemaking or placekeeping.
- The project is well developed and described.
- The corresponding cost estimates and budget are reasonable and supported.
- The project can be completed within the designated time frame.
- Level of support from the community for the project.
- Demonstration of past or prospective capacity to work with project leaders in designated local communities or downtown areas including, but not limited to local officials, business and property owners, or other partners.
- The project supports the identified section of the strategic plan.

EXTRA POINTS:

- Existing match (in-kind or cash) – 5 points
- Accredited with National Main Street – 5 points
- Affiliate level or higher with Nevada Main Street – 5 points

PRIORITIES:

- Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.
- Project readiness.
- Wide distribution of grant funds throughout Nevada.
- High visibility, high impact projects that allow Nevada Main Street and the local programs more recognition.
- Areas and Main Street programs with the greatest need for main street revitalization and economic development.

AWARDS:

Awards will be made on a competitive basis. The Nevada Main Street Grant Program has approximately \$675,000 to award. The scores based on the criteria will be the starting point for the award committee, but will not be the sole determining factor for award.

Wells Mainstreet funding request and letter of support:

Wells Mainstreet has participated in a Transformation Strategies process to determine the goals for our organization and our community. The following goals were established:

1. Identify at least five cottage good and/or home based business development opportunities for the Wells area.
2. Identify the possible retail spaces that exist now in Wells and create a list of what other areas may need to comply with retail spaces.
3. Create a map of future space in Wells for a community orchard by April 2025.
4. Expand the existing contact list for retail business events from the existing 5 retailers to 20 retailers, artists, home-based businesses and/or cottage food businesses
5. Create an agenda with corresponding goals and objectives for a "Community Leader Summit" that would include the development of a corporate funding strategy.

Limited funding is now available from the State of Nevada Mainstreet Program (\$675,000 for the entire state.) We were asked to create a funding request for three projects that conform with the Transformation Strategy Goals knowing that likely only one of them will be funded this year. Our request to Nevada Mainstreet is as follows:

1. Complete the remaining retail space for at least one more vendor. (estimate \$30,000+painting and clean up-Inkind-\$2,500.)
2. Complete the outside "rock" area making a place making space for residents and travelers. (Initial site-\$3500.00, tree removal \$2,500, shade/picnic structure \$50,000)
3. Complete the sidewalks on Ruby, parking lot asphalt and ADA ramps (Future phase)
4. Purchase and clean rear property from UPRR (if possible) for overflow parking. (Future Phase.)

Budget for Items 1&2 (Phase I)

This year's request will be for an \$83,500 project. \$75,000 from Nevada Mainstreet; \$5,000 inkind-clean up, painting, rock picking etc.,\$8500 in cash.

Wells Mainstreet Program is looking for a letter of support for this project from the Wells City Council as well as \$2000.00 if possible.

Wells

Strategic Goals

Goal No. 1: Identify at least five cottage food and/or home-based business development opportunities for the Wells area.

Goal No. 2: Identify the possible needs of existing possible retail spaces that exist now in Wells by September 2024.

Goal No. 3: Create a map of future space in Wells for a community orchard by April 2025.

Goal No. 4: Expand the existing contact list for retail business events from the existing five retailers to 20 retailers, artists, home-based businesses, and/or cottage food businesses by March 2024.

Goal No. 5: Create an agenda with corresponding goals and objectives for a 2024 "Community Leader Summit" that would include the development of a corporate funding strategy by January 2025.

Proposal

Date: May 29, 2024

To: Main Street Retail Mall

579 Sixth Street

Wells, Nv.89835

From: Dixon Builders

P.O. Box 731

Wells, Nv.89835

Nv.Lic. # B2 0031844A

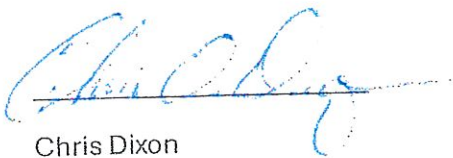
Project: Front area, between parking lot and main street.

Includes:

- 1) Saw cut parking lot inside of curb.
- 2) Remove curb.
- 3) Remove all the rock in that area and haul off.
- 4) Level off existing dirt, back to sidewalk and parking lot.

Total Bid Price: \$ 3,480.00

If these terms are acceptable, please sign and date the approval blank below.



Chris Dixon

Dixon Builders

Approved

Date

Proposal

Date: May 29, 2024

To: Wells Main Street Retail Mall

579 Sixth Street

Wells, Nv.89835

From: Dixon Builders

P.O. Box 731

Wells, Nv. 89835

Nv. Lic # B2 #0031844A

Project: Finish remodeling Rooms 7,9,11

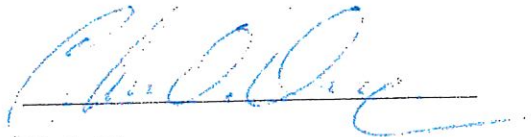
Includes:

- 1) Finish sheetrock patching, tape, finish,texture,and paint.
- 2) 1x12 pine to finish cover of removed partition walls.
- 3) Subfloor underlayment, and new lifeproof flooring.
- 4) Finish bathroom with A.D.A. fixtures.
- 5) New door on Bathroom, A.D.A. hardware.
- 6) Repair Electrical outlets.
- 7) Plumbing to A.D.A. restroom.

Total Bid Price: \$ 30,000.00

Proposal good for 30 days, based on current prices.

If these terms are acceptable, please sign and date the approval blank below.



Chris Dixon

Dixon Builders

Approved

Date

← Mainstreet Mall

May 15,2024

To whom it may concern,

I strongly support the growth and improvements to Mainstreet Mall. I am a current business that is residing in the mall. The community has really enjoyed having the businesses within the mall. It has greatly benefitted the Wells Community.

Along with businesses operating in the mall, we also hold community events throughout the year. As a group, we are very encouraging to Small Business growth for our community.

Thank you,

Thaysha Groves
Buckaroo Boutique

RESOLUTION 24-06

RESOLUTION TO AUGMENT THE FISCAL YEAR 2023-2024 BUDGET

OF THE CITY OF WELLS

WHEREAS, total available resources of the General Fund, City of Wells were budgeted to be \$5,580,772 on June 30, 2024; and

WHEREAS, the total required resources are now determined to be \$5,781,575.

WHEREAS, said additional unanticipated resources are as follows:

90404010	Ad Valorem	\$12,350
90404460	Interest Income	\$54,000
90404168	FAA BLM Project	\$134,453
	Total	\$200,803

WHEREAS, there is a need to apply excess proceeds to the General Fund-Administration as follows:

90516090	Salaries	\$14,500
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WHEREAS, there is a need to apply excess proceeds to the General Fund-Airport as follows:

90576285	Permits	\$30,000
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WHEREAS, there is a need to apply excess proceeds to the General Fund-USDA Revolving Loan as follows:

90626815	USDA Revolving Loan	\$1,850
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WHEREAS, there is a need to apply excess proceeds to the General Fund-Community Support for the Senior Center of \$20,000 as follows:

90597200	Operating Transfers OUT	\$20,000
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WHEREAS, total available resources of the Senior Center Fund, City of Wells were budgeted to be \$445,687 on June 30, 2024; and

WHEREAS, the total required resources are now determined to be \$615,687.

WHEREAS, said additional unanticipated resources are as follows:

50404245	Senior Center Building	\$150,000
50404710	Operating Transfer IN	\$20,000

WHEREAS, there is a need to apply excess proceeds to the Senior Center Fund of \$170,000 as follows:

50506450	Senior Center Building	\$150,000
50516100	Congregate Facility	\$10,000
50526800	Vehicles	\$3000
50536100	Homebound Facility	\$3500
50536400	Homebound Food	\$3500

Now, therefore, it is hereby RESOLVED, that the City of Wells shall augment its 2023-2024 Budget by appropriating \$370,803 for use in the above funds.

A detailed schedule is attached to this Resolution and by reference is made a part thereof.

IT IS FURTHER RESOLVED that the City Clerk shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, AND APPROVED the 25th of June 2024

AYES:

NAYS:

Absent:

By:

ATTEST:

Gary Pollock, Mayor

APPLICATION FOR LIQUOR LICENSE

Agenda Item # 10

6/17

Day of Meeting 6-25-24

TO THE HONORABLE BOARD OF COUNCILMEN OF THE CITY OF WELLS, COUNTY OF ELKO, STATE OF NEVADA

STATE OF Nevada)
COUNTY OF Elko)

Pursuant to Title 3, Chapter 3 of Wells City Code, the undersigned, being first duly sworn, deposes and says:

That I do hereby apply for a

Retail (Bar) Packaged (For consumption off-premise, i.e. Grocery Store) Wholesale X Special Events
(Choose type of license)

Liquor License at City Park in the City of Wells,
(Street Address)

such business to begin on the 4th day of July, 2024, that I, hereby state that no business has been carried on at said place by the undersigned without having first obtained a license do to so, and that I hereby promise that if said license be granted, I shall and will comply with all the ordinances of the said City of Wells now in effect, or which may be hereafter enacted for the control and regulation of such business, and this promise and covenant shall be deemed once of the considerations passing to the City of Wells for the granting of such license.

Richard Peltier
Applicant

Subscribed and sworn to before me this 17 day of June, 2024.

Mance
City Clerk or Notary Public

Approved and granted by the Board of Councilmen this
day of , 20

City Clerk

APPLICATION FOR LIQUOR LICENSE
UNDER TITLE 3, CHAPTER 3 OF WELLS CITY CODE

Said license is to be issued in the name of

Wells Fire Department - Richard Peltier
(Name of Business)

Applicant is a(n)

Individual Partnership Association/Organization Corporation Fraternal, Social or Civic Club

The following are the names, titles and information of the persons owning said business (individual, officers, directors, stockholders or agents):

Name	Title	Address	DOB
<u>Richard Peltier</u>	<u>Captain</u>	<u>1541 Lake Ave</u>	<u>6/25/1985</u>

The following is a listing of business or occupations during the past five years:

Name	Business/Occupations

I hereby make application to the City of Wells Board of Councilmen for a Special Events Liquor License. I have read the ordinances of City of Wells, Nevada, which regulate the conduct of such license.

Richard Peltier
Applicant
6/17/24
Date

Received \$ _____,
license fee for Fiscal Year 20__ - 20__.

City Clerk

CITY OF WELLS
WELLS ORDINANCE NO. 244

Agenda Item # 11
Date of Meeting 10-25-24

AN ORDINANCE AMENDING TITLE 3, CHAPTER 6, OF THE WELLS CITY CODE ENTITLED “WELLS BROTHEL CODE” BY AMENDING AND CLARIFYING MATTERS THERETO.

Whereas, the City of Wells desires to amend the City Code to provide clarification regarding the requirements applicable to the privilege license needed to operate brothels;

Whereas, the City Council desires to enact this ordinance amending and adding certain sections to Title 3, Chapter 6 of the Wells City Code entitled “Wells Brothel Code” clarifying provisions and incorporating various requirements set for in the Nevada Revised Statutes.

NOW, THEREFORE, THE BOARD OF COUNCILMEN OF THE CITY OF WELLS DOES ORDAIN:

For amendment purposes, words which are bold and underlined are additions to the ordinance, and words which are bold and in brackets are deleted from the ordinance.

SECTION 1: That Section 3-6-2 of the Wells City Code is hereby amended read as follows:

3-6-2: DEFINITIONS:

As used in this chapter, the following words will be defined as follows:

APPLICANT: Any person, firm or corporation applying to the board for a license or license renewal under the provisions of this chapter together with all persons listed in subsections 3-6-7A and B of this chapter.

BOARD: The city of Wells board of councilmen.

BROTHEL: A duly licensed house of prostitution operated in accordance with the provisions of this chapter. **A brothel may be referred to herein as an “operation.”**

CLERK: The city clerk of the city of Wells.

COURTESAN: See PROSTITUTE as defined herein.

HOUSE OF PROSTITUTION: Any building in which sexual acts are provided or performed for a fee.

LICENSEE: A person to whom a license has been issued under this chapter.

LICENSE FEE: Any monies money required by law to be paid to the

city to obtain or renew a business license under this chapter.

MINOR TRAFFIC VIOLATIONS: Any misdemeanor violation of a city or state traffic code other than for the following offenses:

- A. Driving under the influence of alcohol;
- B. Reckless driving;
- C. Driving on a revoked license;
- D. Hit and run or failure to report an accident.

PERSON: A natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.

POLICE: The chief of police or his designee of the city of Wells or a duly appointed representative, **as defined in 1-3-4 in this Code.**

PROSTITUTE: A male or female person who for a fee engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person. **Also known as a COURTESAN as defined herein.**

PROSTITUTION: **[Engaging in sexual conduct for a fee] Engaging in sexual conduct with another natural person in return for a fee, monetary consideration or other thing of value.**

SEX WORKER: A prostitute who is employed by or has a contract to work in a licensed house of prostitution, as used in NAC 441A.777 to 441A.815.

SEXUAL CONDUCT: Any of the acts enumerated in the definition of "prostitute" in this section.

WORK CARD OR WORK PERMIT: A permit issued by the chief of police to applicants who meet the requirements of this chapter permitting the applicant to perform work authorized by this chapter.

SECTION 2: That Section 3-6-3 of the Wells City Code is hereby amended read as follows:

3-6-3: PUBLIC POLICY:

A. The board of councilmen of the city of Wells hereby finds, and declares to be the public policy of this city, that:

1. The continued existence of the brothel industry is dependent upon public confidence and trust that licensed prostitution is conducted honestly and competitively and free from criminal and corruptive elements.

2. Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed houses of prostitution.

3. All establishments where prostitution is conducted must therefore be licensed and controlled to protect the public health, safety, good order and general welfare of the inhabitants of the city.

4. All key employees, prostitutes and every other employee of a house of prostitution must therefore be registered and controlled to protect the public health, safety, good order and general welfare of the inhabitants of the city.

B. No applicant for a license has any right to a license under this chapter or other matter requiring affirmative Board approval in order to operate a brothel has any right to the license or the granting of the approval sought. Any license or other board approval granted pursuant to the provisions of this chapter is a privilege and no holder, licensee or other recipient of the license or approval acquires any vested right therein or thereunder. It is recognized that the state of Nevada may through legislative action prohibit houses of prostitution throughout the state. It is further recognized that the city of Wells may by local ordinance prohibit houses of prostitution¹.

SECTION 3: That Section 3-6-5 of the Wells City Code is hereby amended read as follows:

3-6-5: UNLAWFUL UNDER CERTAIN CONDITIONS:

A. It is unlawful for any person, firm or corporation to keep, own or operate any **brothel or** house of prostitution (house of ill fame or bawdy house), of any description within the city of Wells, except as provided in this chapter.

B. It is unlawful for any owner or bartender/manager of a licensed brothel to allow any person to practice prostitution or to solicit business for a prostitute or to procure any person for the purpose of prostitution within the city of Wells, except within the house of prostitution of a licensed brothel as set forth in the Wells zoning code. Prostitutes shall not be hired from a brothel for the purpose of prostitution to accompany a customer outside the brothel from which the prostitute is employed. All soliciting of prostitution and acts of prostitution must take place inside the house of prostitution of a licensed brothel

SECTION 4: That Section 3-6-6 the Wells City Code is hereby amended read as follows:

3-6-6: LICENSING AND CONTROL BOARD CREATED:

A. The board of councilmen of the city of Wells shall act as a prostitution licensing and control board.

B. It shall be the duty of the B/board to carry out **and enforce [the terms of]**the provisions of this chapter., **and to see that this chapter is faithfully**

¹ NRS 201.430.

enforced].

C. The Board, by resolution, shall promulgate a schedule of the fees required by this title. The schedule of fees may be amended and from time- to- time by resolution of the Board.

D. Powers of the B[b]oard 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 or license renewal under the provisions of this chapter.
3. Grant or refuse to grant the license or license renewal provided for in this chapter.
4. Receive complaints concerning alleged violations of this chapter.
5. Revoke or temporarily suspend or put restrictions and conditions against licenses issued under the terms of this chapter.
6. Exercise any proper power and authority necessary to perform [the] its duties pursuant to this chapter. Such powers are not limited by any enumeration of powers or considerations in this chapter.
7. Hear appeals and complaints from the decision [rules] of the chief of police or his designee.

The powers of the Board enumerated above are not exclusive and shall not be interpreted in such a manner as to limit any other powers that the Board may otherwise possess.

SECTION 5: That Section 3-6-7 the Wells City Code is hereby amended read as follows:

3-6-7: LICENSE APPLICATION; CONTENTS:

Any person[, *firm or corporation*] desiring to own or operate a house of prostitution within the city of Wells shall apply to the B[b]oard [for a license to operate such house of prostitution]. Such license application shall contain the following information about the owner, the operator and any person who will act on behalf of the owner or operator as a manager or other agent with management authority (individually or collectively referred to as the “applicant” or “applicants”), together with all other information identified in each subsection pertaining to the brothel and the house of prostitution:

A. Names, ages and addresses of all persons who have or will have any financial interest in the brothel and house of prostitution, including the owner of the

real property if the real property is leased to the operator **of the brothel.**

B. Names, ages and addresses of persons who are or will be personally responsible for the conduct and management of the **brothel and house of prostitution [operation].**

C. Names and addresses of **all** other businesses in which the applicant has any financial interest, including the type of such business and the nature of the applicant's interest, **including the business history of the applicant with respect to brothels and houses of prostitution, to include prior or concurrent ownership, management, employment or any other legal relationship the applicant has or has had with a brothel or house of prostitution.**

D. Names and addresses of all employers of the applicant in the preceding **ten (10) years [seven (7) years].**

E. The street address of the property upon which the proposed **brothel and house of prostitution [operation]** is being **operated [conducted]**, together with copies of all deeds, mortgages, deeds of trusts, liens or other encumbrances, leasehold interests, or other interests **in or** relating to the property.

F. Names, ages and addresses of all persons who have or will have leasehold or other interests in the real property **where the brothel and house of prostitution will be operated.**

G. **Any information needed to update or correct information already on file with the city;**

H. [G] Any other information reasonably deemed necessary or useful by the board or the chief of police or his designee.

I. [H] *[If the applicant is an entity, other than an individual entity, t]*
The names and addresses of every other business in which the applicant has ever had any financial interest where the operation of such business or its activities were illegal under the laws of the jurisdiction where such business was conducted.

J. [I] *[If the applicant is a firm or corporation,] [a]* **A** complete and accurate financial statement of the applicant.

K. [J] A complete and accurate statement regarding the amount to be invested in the business and the source and application of funds.

L. [K] *Any other information reasonably deemed necessary or useful by the board or the chief of police or his designee.]*

M. [L] For each individual applicant listed in subsection A **and B** of this section, and each key employee listed in section 3-6-20 of this chapter, the following shall be furnished:

1. A personal history record on a form prescribed or approved and published by the board, listing the applicant's:
 - a. Personal identifying information;
 - b. Marital information, including previous marriages;
 - c. Family information;

- d. Education;
 - e. Military information;
 - f. **A list of all prior convictions, /A/**arrests and detentions (excluding minor traffic violations) which shall include a statement of the offense, the place of its occurrence, the date of its occurrence, and the disposition of the case;
 - g. Any civil litigation in which a judgment over five thousand dollars (\$5,000.00) was entered against the applicant;
 - h. Names and addresses of all employers in the preceding ten (10) years;
 - i. All addresses in the preceding ten (10) years;
 - j. The names and addresses of every other business in which the applicant has ever had any financial interest or in which the applicant was an employee, where the operation of such business or its activities were illegal under the laws of the jurisdiction where such business was conducted;
 - k. **Whether the applicant, in previously operating any business at any location in the United States, has had a business license or privilege license revoked or suspended and, if so, the reason(s) therefor and a description of the business activity or occupation that was subject to the suspension or revocation.**
- /k/** 1. Any other information deemed necessary or useful by the board or the chief of police;

- 2. A recent photograph of the applicant;
- 3. Two (2) complete sets of fingerprints taken by the **Elko County**

Sheriff;

4. A complete and accurate financial statement of the applicant together with a review or compilation by a licensed CPA and a written business plan, this is not required for a spouse with no ownership interest;

N. /M/. If the marital status of an owner or the stockholders of any corporate owner changes, such owner shall file an addendum to the license application which addendum shall include the name of the new spouse and the information required in subsection **/L/ M** of this section within sixty (60) days.

All information required under this section shall, upon enactment of this ordinance and thereafter, be promptly updated and corrected by the applicant whenever necessary to ensure that all such information on file with the City is current and accurate.

SECTION 6: That Section 3-6-8 the Wells City Code is hereby amended read as follows:

3-6-8: LICENSE APPLICATION; FILING AND INVESTIGATION:

A. All license applications **submitted** under the provisions of this chapter shall be filed with the city clerk, along with a nonrefundable investigation fee, the amount of which will be set by resolution of the board of councilmen from time to time. If the actual total cost of investigating any license application exceeds the fee, the applicant shall be responsible for and pay the city the amount in excess of the fee.

B. Upon presentation of any license application to the city clerk, the city clerk shall refer such application to the chief of police or his designee for investigation. The chief of police or his designee 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/]~~ **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. ~~An /E/~~examination of the financial statement and financial background of the applicant;./**and,**

5. Any other investigation reasonably deemed necessary by the chief of police or his designee.

C. **Report of Investigation Results: The chief of police shall report the results of the foregoing investigation in writing to the Board, which report shall include, but shall not be limited to, the following: [Within ninety (90) days after any application is referred by the city clerk to the chief of police or his designee, the chief of police or his designee shall report the results of his investigation in writing to the board, which 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;./ **and,**

3. An evaluation of the personal and financial status **and qualifications** and background of the applicant.

4. A statement as to whether, in his professional opinion, further investigation is necessary or desirable.

D. The chief of police or his designee may, with the consent of the board, employ a certified public accountant to assist with the financial investigation and the expenses of such accountant shall be chargeable to the applicant who shall be required to post in advance with the city clerk an amount sufficient to cover the estimated expense.

E. In the event the cost of an investigation conducted under the provisions of this section exceeds the investigative fee required by subsection A of this section, the applicant shall upon request of the board post with the city clerk an amount

sufficient to cover the estimated additional expense.

F. At the conclusion of the investigation any unused additional investigative funds which the applicant was required to deposit under the provisions of subsection C, D or E of this section, exclusive of subsection A of this section, shall be refunded.

G. Within thirty (30) days after receiving the chief of police or his designee's report, the board may:

1. Refer the application back to the chief of police or his designee 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, **conditionally grant**, or refuse to grant a license under the provisions of this chapter.

H. **The Board may refuse to grant a license to any applicant based on a determination that the applicant or the application fails to satisfy any of the requirements of this chapter, or because granting the application would not be in the best interest of public health, safety or welfare. The Board may take into consideration any recommendation provided by the police in refusing to grant a license to an applicant. [The board may, based upon just cause which includes, but is not limited to, the following, refuse to grant a license to any applicant:**

1. *If the applicant has ever been convicted of a felony.*
2. *Where an applicant or an applicant's spouse or any other individual listed on the application that would have any interest in the brothel, has been convicted of any felony.*
3. *Where an applicant is financially insolvent or is inadequately financed.*
4. *Where an applicant has a history of financial instability.*
5. *Where an applicant has willfully omitted or incorrectly stated any material fact in the license application.*
6. *Where an applicant has any financial interest in, or connection with, any business which is illegal where such business is located.*
7. *Where an applicant's license under the provisions of this chapter would be contrary to the health, welfare or safety of the city of Wells or its residents.*
8. *When the proposed establishment is not in the correct zoning.*
9. *Where an applicant has business relationships with persons or entities that would be denied a license for reasons other than financial instability or insolvency.*
10. *Where an applicant has ever been convicted of the possession, use, and sale, or furnishing of any narcotic, hallucinogenic or dangerous drug.*
11. *Where an applicant has ever been convicted of any crime*

involving theft, embezzlement or misappropriation of funds.

12. Where an applicant has ever been convicted of any crime involving violence with the use of any deadly or dangerous weapon.

13. Where an applicant has ever been convicted of any crime involving illegal use of firearms.

14. Where an applicant has ever been convicted of a gross misdemeanor offense of obstructing justice or resisting an officer within five (5) years before the filing of the application.]

I. Upon denying any application for a license under the provisions of this chapter, the applicant shall have thirty (30) days within which to cure any defect in the application, and such application may be again submitted one (1) time to the Board for reconsideration within thirty (30) days after such denial.

SECTION 7: That Section 3-6-10 the Wells City Code is hereby amended read as follows:

3-6-10: LICENSES; MULTIPLE LICENSING PROHIBITED:

No person *[individual, firm, or corporation]* shall be granted any interest in more than one license to operate a brothel or house of prostitution within the city limits of the city.

SECTION 8: That Section 3-6-14 the Wells City Code is hereby amended read as follows:

3-6-14: LICENSE ISSUANCE:

A. Upon approval of all applications **associated** *[connected]* with an operation, the board shall issue a license for the operation, which license shall state:

1. The name and address or location of the operation.
2. The license period of the license.
3. The date of renewal of the license.
4. License may have an attachment in letter form which would indicate any optional restrictions or limitations imposed by the board under section 3-6-12 of this chapter.

B. All licenses shall be issued **[for an annual period]** for a term of one year, commencing on *[(/July 1 of the year the application was approved and continuing until* ~~[-/ June 30/)]~~ of the following year, with quarterly review.

C. No later than fifteen (15) days after the renewal notice is provided by the city clerk, the licensee shall apply to the Wells city clerk, on forms provided, for a renewal. In the event the licensee seeks to continue to operate the brothel for an additional year after the term, *[T]*the city clerk shall forthwith notify the chief of police or his designee, and if any valid written complaint regarding the operation shall have been received during that current license period. The chief of police or his designee upon receiving the approval of the

city manager may cause the renewal application to be placed on the agenda of the next city council meeting at which meeting the board shall either renew or deny the license. If placed on the agenda, the board shall conduct a hearing, and may summon witnesses, interview the licensee, interview any complainant, require additional investigation by the chief of police or his designee, or do any and all other acts which **the Board deems** [may be] necessary or appropriate to the board's determination. If no such complaints have been received, the Wells city clerk shall issue the renewed license upon compliance with the provisions of this chapter.

D. Failure of any licensee to comply with the renewal procedure, as required in subsection C of this section, **[may] shall** be grounds for the board to revoke the license at its first regular meeting in **July [the month following the expiration date]**. Any license thus revoked may be reinstated only upon compliance by the licensee with all requirements of this chapter **applicable [relating]** to original license applications.

E. No change in ownership, **including in any ownership business[, partners, shareholders]** or any other persons with any ownership interest in the brothel shall occur after the board has granted a license until the following occurs:

1. The licensee **[shall]** furnishes to the chief of police or his designee a list of all proposed persons or entities that desire to acquire an interest in the brothel **[.]**;

2. **The Board approves the new owner(s) in accordance with the same substantive and procedural requirements applicable to new license applicants; and,**

3. **The brothel pays a nonrefundable investigation fee in an amount set by resolution of the Board. [The chief of police shall request a nonrefundable investigation fee for each person or entity desiring to acquire an interest in the brothel.]**

[3. All provisions of this chapter relating to the investigation and licensing of applicants for a brothel license shall apply to the person or entity desiring to acquire an interest in the brothel. Such person or entity shall be granted or refused the privilege to acquire an ownership interest in the brothel in accordance with applicable provisions of this chapter for the granting or denying of a license to the original licensee or owners.]

SECTION 9: That Section 3-6-15 the Wells City Code is hereby amended read as follows:

3-6-15: LICENSE FEES:

A. Fee: Every licensee shall pay a license fee, which fee is set by resolution of the board of councilmen and may be increased from time to time, for the privilege of operating a **Brothel [house of prostitution]** in the **City [city of Wells]**. Said fees shall be paid annually and shall accompany the renewal application form. License fees are not prorated and are nonrefundable.

B. Service Charge: In addition, every **Brothel [house of prostitution]** shall pay a service charge in an amount set by resolution of the board of councilmen from time to time, for the police department services provided by weekly investigations relating to compliance with state health laws and other police and regulatory services. This service charge shall be paid

annually and shall accompany the renewal application form. Service charges are not prorated and are nonrefundable. When a **Brothel [house of prostitution]** is operated in such a manner as to cause unreasonable economic burden on the city administration, police department or the city of Wells, the city may charge any such costs as a service charge, **at the discretion of the Board.**

C. Due Dates: License fees **paid quarterly** shall be paid to the city clerk no later than March 15, June 15, September 15, and December 15.

D. Failure of any licensee to submit fee pursuant to the terms herein shall result in the termination of the license.

SECTION 10: That Section 3-6-16 the Wells City Code is hereby amended read as follows:

3-6-16: WORK PERMIT REGISTRATION REQUIREMENTS:

A. It is unlawful for any person to work as a **courtesan**, prostitute or bartender, **or//** manager at a brothel or any employee, **independent contractor or agent of the brothel** to reside on the premises of a licensed **house of prostitution [brothel]**, unless such person is the holder of a valid current work permit issued by the chief of police or his designee in accordance with this chapter.

B. Every **courtesan [prostitute]** and every other **bartender, manager**, employee, **independent contractor, or agent of the brothel**, of each licensee shall be registered with the chief of police or his designee on application forms provided by the chief of police or his designee. As used herein "every other employee" means bartenders, maids, chefs, cooks, kitchen help, dishwashers or any other employee who is not a "key employee" as defined in section 3-6-20 of this chapter. Each applicant shall furnish:

1. Personal history record listing the applicant's:
 - a. Personal identifying information.
 - b. Marital information, including previous marriages.
 - c. Family information.
 - d. Arrests and detentions excluding minor traffic violations which shall include a statement of the offense, the place of its occurrence, the date of its occurrence, and the disposition of the case.
 - e. Names and addresses of all employers in the preceding five (5) years.
 - f. All **street and mailing** addresses in the preceding five (5) years.
 - g. Any other information deemed necessary or useful by the board or the chief of police or his designee.
2. A full set of fingerprints of the applicant.
3. **Courtesan [Prostitute]** work card application must be accompanied with an application fee, which is set by resolution of the board of councilmen and may be increased from time to time.
4. A work card must be renewed each time a prostitute changes place of work from one brothel and starts work with a different brothel.

C. The chief of police or his designee shall investigate the accuracy of all information supplied by any applicant on the registration form.

D. No person under twenty-one (21) years of age shall be employed in any capacity by a house of prostitution or registered to work in any house of prostitution or receive compensation from any house of prostitution except for yard work or off site computer work.

E. No person may work in any manner or reside on the premises of a licensed brothel who:

1. Concerning crimes in this state:

- a. Has ever been convicted of a category A or B felony;
- b. Has been convicted of a category C or D felony within the past five (5) years;
- c. Has been convicted of a category E felony within the past year;
- d. Has been convicted of a gross misdemeanor in this state within the past year, except a gross misdemeanor of obstructing justice or resisting an officer within the past five (5) years shall be a further prohibition; or
- e. Has been convicted within the past six (6) months of misdemeanor offenses involving theft, larceny, embezzlement, battery, illegal drugs/substances or misdemeanor offenses deemed predatory, abusive, dishonest, or inappropriate towards minors or elders.

2. Concerning crimes outside this state:

- a. Has ever been convicted of a crime for which the term of imprisonment imposed, as opposed to the actual length of imprisonment, was greater than ten (10) years;
- b. Has been convicted of a crime within the past five (5) years, for which the term of imprisonment imposed, as opposed to the actual length of imprisonment, was at least one year but less than ten (10) years;
- c. Has been on probation or parole, from a term of imprisonment, within the past year; or
- d. Has been convicted of a misdemeanor within the past six (6) months involving theft, larceny, embezzlement, battery, illegal drugs/substances or misdemeanor offenses deemed predatory, abusive, dishonest, or inappropriate towards minors or elders.

3. Concerning other restrictions:

- a. If registered under the provisions of this chapter, such licensing would be contrary to the health, safety or welfare of the city or its residents;
- b. Has **willfully** made any false statement or omission in the registration form required by subsection B of this section; or
- c. The chief of police or his designee will have the authority to deny or revoke the work permit of a **courtesan**, prostitute or of a bartender, ~~//~~manager, **employee**, **independent contractor**, **other agent**, or any person who works or resides on the premises of a licensed brothel who does not qualify under this section or who is found to be violating this code or state law. The person whose work card has been denied or revoked may file an appeal to the *[city of Wells b]*Board *[of councilmen]* within thirty (30) calendar days from the date in which the work permit (card) was denied or revoked.

F. All **courtesan, prostitute or of a bartender, // manager, employee, independent contractor, other agent,** or any person who works or resides on the premises of a licensed brothel shall file with the police and maintain in the house of prostitution at all times, a current work card with the operator of a licensed brothel before commencing work as a **courtesan, prostitute or of a bartender, // manager, employee, independent contractor, other agent,** or employee who resides on the premises of a licensed brothel; no work card shall be transferable; all work cards shall state the name of the licensed operation where the **courtesan, prostitute or of a bartender, // manager, employee, independent contractor, other agent,** or employee who resides on the premises of a licensed brothel will work; no **courtesans [prostitutes]** shall change their place of work from one brothel to another without first notifying the chief of police or his designee of the proposed change and obtaining a revised work card. Work cards must be on the premises of the house of prostitution and accessible to police at all times. **No work card is transferrable.**

1. No **courtesan, prostitute or of a bartender, // manager, employee, independent contractor, other agent,** of a licensed **[Wells]** brothel can possess more than one card at a time or work for more than one **[Wells]** brothel at a time.

SECTION 11: That Section 3-6-17 the Wells City Code is hereby amended read as follows:

3-6-17: SECURITY REQUIREMENTS; INSPECTIONS FOR BROTHELS:

A. The brothel license which is granted as a privilege license pursuant to section 3-6-14 of this chapter shall include a consent to and an acknowledgment of the power and authority of the chief of police or his designee, or other authorized representative of the city to enter the licensed brothel premises and the principal office of any brothel, at any time during brothel business hours for the purpose of examining the premises, or the employment record of said business to ascertain the truth or veracity of statements made on the brothel license application and to **[determine if] verify that** the terms, conditions, provisions, **requirements,** and regulations of **the license,** this code and state law are being **satisfied [complied with].**

B. The person in charge of a licensed house of prostitution shall cooperate with the state of Nevada health division, bureau of disease control, **or any other agency with jurisdiction** during:

1. **[The] Any** investigation of **into** the circumstances or cause of a case or suspected case, or of an outbreak or suspected outbreak **of a communicable disease/./;**

2. The carrying out of measures for the prevention, suppression or control of a communicable disease, including procedures of exclusion, isolation and quarantine~~/./;~~ **and,**

3. **The failure of an owner, manager, employee, independent contractor or agent of a brothel to cooperate with an inspection authorized by this section:**

(1) shall be grounds for the revocation or suspension of the brothel license. In addition, and

(2) shall be punishable as a misdemeanor as provided in section 3-6-35 of this Code. [A person who owns/operates a brothel business or his/her agent or employee commits an offense if such person refuses to permit a lawful inspection of the premises by the persons designated above.]

SECTION 12: That Section 3-6-21 the Wells City Code is hereby amended read as follows:

3-6-21: MEDICAL EXAMINATIONS; DUTY OF LICENSEE:

Every licensee shall ensure that every prostitute is examined by a physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state, as required in section [3-6-28](#) of this chapter, and that the physician has:

- A. Issued to every person examined and found not to be afflicted with a sexually transmitted disease, a certificate so stating;
- B. Refused to issue such certificate to any person found to be, or suspected of being, afflicted with a sexually transmitted disease;
- C. Reported the results of such examinations weekly to the chief of police or his designee at such time as the chief shall set in writing to the board;
- D. Reported to the board immediately the existence of any condition on the premises of any licensed operation which, in the professional opinion of the physician, constitutes a health hazard to the patrons or employees of any licensed operation or to the public, together with his recommendations for correcting the condition.

SECTION 13: That Section 3-6-25 the Wells City Code is hereby amended read as follows:

3-6-25: REGISTRATION CARD AND MEDICAL CERTIFICATE INSPECTIONS:

Not less than once each week the chief of police, or his designee, shall go to the premises of each licensee and inspect the registration card of every key employee, courtesan/prostitute and other employee, and the medical certificate of every prostitute, to ensure that every employee of the licensee has fully conformed to every applicable provision of this chapter.

SECTION 14: That Section 3-6-28 the Wells City Code is hereby amended read as follows:

3-6-28: MEDICAL EXAMINATION REQUIRED OF ALL PROSTITUTES:

A. Every licensee shall require and ensure that the rules and regulations now in force or hereafter promulgated by the division of health of the department of human resources of the state of Nevada are complied with and that medical examinations are undergone by all prostitutes working at the licensee's operation, 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 **chief of police [department]**.

2. Be performed by or under the supervision of a physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state or doctor of osteopathy duly licensed to practice medicine in the state.

3. Include all 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 to, weekly tests for gonorrhea and chlamydia and a monthly blood test for syphilis and human immunodeficiency virus (HIV), which shall be processed at a licensed and approved clinical laboratory.

4. Include monthly tests approved by the division of health of the department of human resources of the state for the detection of 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 physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state, for determining whether the prostitute is afflicted with any infectious or contagious disease.

6. Be performed at the location of the licensed operation, at the physician's or advanced practice nurse, nurse practitioner's office, at a hospital or clinic, as determined by the physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state.

7. Consistent with NAC 441A.120(2), 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 NAC 441A800 et seq., do not show the presence of chlamydia, syphilis, gonorrhea, or the antibody to the human immunodeficiency virus. In effect, no prostitutes will be allowed to work (perform sexual acts with another person) on the premises until they have been cleared by a physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state, to work.

8. If any prostitute's test results are positive, the prostitute must be removed from the brothel floor immediately and her work card turned over to **the chief of police [a representative of the police department]**. The prostitute must wait at the brothel until

contact is made by the state health department or its designee. This contact may be made in person or by telephone. Once contact is complete, the prostitute may then leave the premises of the brothel. If the prostitute chooses to stay, she will remain off the floor, which includes the bar area, and not engage in any type of sexual activity until a clearance to return to work has been received from the physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state, and presented to the **chief of police [department]**.

9. The owner/management or key employee of the brothel is required to notify the **chief of police [department]** when a prostitute leaves the brothel on vacation. (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 physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state, and cleared to go to work by the **chief of police [department]**.

B. After performing the examination required in subsection A of this section, the examining 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 **chief of police [department]** or his designee.

4. If any prostitute examined is found to be afflicted with a sexually transmitted disease or any contagious or infectious disease that creates a health hazard, the doctor shall immediately notify the chief of police or his designee and the licensed operator where the prostitute is working, of such condition.

C. No person may work as a prostitute in any operation without a current certificate, as described in subsection B1 of this section.

D. No person who has ever been denied a certificate by an examining physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state, or doctor of osteopathy, as provided in subsection B2 of this section, may again work as a prostitute in any licensed operation until such person has received and presented to the chief of police or his designee a certificate from an examining physician licensed to practice medicine in the state, or by a physician's assistant or registered nurse under the authority of a physician licensed to practice medicine in the state, or an advanced practice registered nurse, nurse practitioner, licensed in the state, or doctor of osteopathy 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 sexually transmitted disease or other contagious or infectious diseases.

E. Nothing contained in subsections A through E inclusive 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.

SECTION 15: That Section 3-6-31 the Wells City Code is hereby amended read as follows:

3-6-31: REVOCATION OR SUSPENSION OF LICENSES:

A. The board may, based upon just cause, which includes, but is not limited to, the following, revoke or temporarily suspend any city license issued under the provisions of this chapter or place a licensee on probation with or without conditions for any of the following causes which the board determines is occurring or has occurred, which list of causes is not intended to be exclusive:

1. Any cause that would constitute grounds for denial of a license under subsection 3-6-8H of this chapter.

2. Violation by the licensee, their agents or employees, of any provision of this chapter, state law, or regulated federal law that pertain to prostitution or are relevant to operation of brothels.

3. Violation by any prostitute or person who works on a regular, daily, or weekly basis, for a brothel or in a house of prostitution, of any provision of this chapter with respect to which where the licensee knew or should have known of the violation.

4. The licensee [knowingly permitting], with actual or constructive knowledge, permits the existence of any unlawful activity, or health or safety hazard on the premises occupied by the licensed operation or employing any person as a prostitute when such person does not have a valid health certificate as required by section 3-6-28 of this chapter.

5. Willful refusal of the licensee to comply with any order of the [b]Board issued under any [legal or lawful] provision of [the Wells brothel] this code.

6. Any other causes which the board may determine, in its sound discretion, to be harmful or injurious to the health, welfare [and] or safety of the general public.

7. Any cause for revocation or suspension listed or described in this chapter.

B. Before action is taken pursuant to subsection A of this section to revoke or suspend a brothel license or to place a licensee on probation, 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. The city shall serve an order to show cause upon the licensee or post upon the premises where the licensed operation is conducted at least five (5) working days prior to the time

of such hearing.

2. Permit the licensee to submit evidence and testimony at the above hearing.
3. Consider all evidence and testimony in support of and in opposition to the action pending.
4. Enter in the minutes of the board the findings of the board and reasons for any action taken by the board, which action may include revocation, probation, **placing conditions on, [or] temporary suspension, or placement of the licensee on probation,** of the license and all business activity of the **brothel or** house of prostitution. The board may, but is not required to, impose such conditions on the operation of the business as are necessary to cure the problem and eliminate any danger presented by the violation. **Such conditions may include action by the licensee required to be taken within a reasonable specified time as an alternative to revocation. Placement of the licensee on probation for a period of time, with or without conditions, which probation may provide that a further violation of this chapter or the provisions of the license during the probationary period will result in the revocation or suspension of the license.**
5. Enter in the minutes of the board an order specifying the action taken.

C. *[Notice of the order shall be served upon the licensee or posted upon the premises occupied by the licensed operation.]* **Notice of Order: Notice of an order issued pursuant to this section shall be served upon the licensee or the licensee's resident agent by personal service or certified mail, or posted upon the premises of the house of prostitution occupied by the brothel in any conspicuous location.**

D. *[Any action taken shall be effective upon service or posting of the notice, as specified in subsection C of this section.]* **Action Effective: Any action taken by the Board pursuant to this section shall be effective upon personal service or delivery of the notice by certified mail to the licensee or the licensee's registered agent, or upon posting of the notice upon the premises of the house of prostitution occupied by the brothel as specified in subsection C of this section.**

E. The board may further impose a civil penalty upon the licensee and order the licensee to pay the reasonable costs and attorney fees of the city in investigating and conducting the hearing.

SECTION 16: That Section 3-6-32 the Wells City Code is hereby amended read as follows:

3-6-32: EXCEPTION TO HEARING PROCEDURE (EMERGENCY SUSPENSION OF BROTHEL LICENSE):

[A] Notwithstanding any other provision contained in this chapter, a brothel license may be suspended without a hearing by a written emergency suspension order signed [by the majority of the board, if in their opinion] by the mayor or one member of the Board and the police if, in the opinion of the signatories there exists an immediate and present danger to public health and safety which necessitates the immediate closure of the brothel. Any such meeting of the board shall be governed by the emergency exception of the Nevada Revised Statutes open meetings law. Upon the issuance and service of such an order which service may be effected by personal delivery upon the owner or manager, or by posting the notice in a conspicuous location at the house of prostitution, all licensed brothel activity, including consumption of alcohol and sale of merchandise, shall immediately cease and the brothel licensee may request a hearing before the [b]Board [of councilmen] within three (3) [five (5)] business days in accordance with the Nevada open meeting law. The proceedings thereafter shall be held in accordance with section 3-6-31 of this chapter.

SECTION 17: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, but only to the extent of such conflicts.

SECTION 18: If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceability or unconstitutionality of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.

SECTION 19: That upon adoption, the City Clerk of the City of Wells is hereby directed to have this Ordinance published, by title only, together with the Councilmen voting for or against its passage, in a newspaper of general circulation printed and published in the City of Wells, County of Elko, for at least one publication.

SECTION 20: This Ordinance shall be effective upon the publication mentioned in SECTION 19.

PROPOSED AND READ ALOUD to the Board of Councilmen and passed and adopted this ___ day of _____, 2024, by the following vote of said Board:

AYES:

NAYES:

ABSENT:

APPROVED this ____ day of _____, 2024.

THE CITY OF WELLS

By: _____
GARY POLLOCK, Mayor

ATTEST:

SAMANTHA NANCE, City Clerk

NOTICE OF INTENTION TO TAKE FINAL ACTION

PUBLIC NOTICE IS HEREBY GIVEN of the intention of the Board of

Councilmen of the City of Wells, Nevada to take final action on the ____ day of _____, 2024, on the adoption of an Ordinance entitled:

AN ORDINANCE AMENDING TITLE 3, CHAPTER 6, OF THE WELLS CITY CODE ENTITLED “WELLS BROTHEL CODE” BY AMENDING AND CLARIFYING MATTERS THERETO.

PUBLIC NOTICE IS ALSO GIVEN that typewritten copies of the above-entitled ordinance are available for inspection by all interested parties at the office of the Clerk of the City of Wells, Nevada, in the City Hall, Wells, Nevada; that said Ordinance was proposed and read by title on the ____ day of _____, 2024, and the Board of Councilmen intend to take final action on the adoption of said Ordinance at its regular meeting on the ____ day of _____, 2024, as a regular measure.

UPON ADOPTION OF SAID ORDINANCE, it shall be published by title, together with the names of the Councilmen voting for or against passage, in a newspaper of general circulation printed and published in the County of Elko, for at least one (1) publication before the Ordinance shall become effective.

IN WITNESS WHEREOF, the Board of Councilmen of the City of Wells, Nevada, has caused this Notice to be given by reference to the title of the proposed Ordinance.

DATED this ____ day of _____, 2024.

SAMANTHA NANCE, City Clerk

NOTICE OF ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the ____ day of _____, 2024, the Board of Councilmen of the City of Wells, Nevada approved the adoption of an ordinance for the City of Wells, Nevada with the Summary and Title as follows:

AN ORDINANCE AMENDING TITLE 3, CHAPTER 6, OF THE WELLS CITY CODE ENTITLED “WELLS BROTHEL CODE” BY AMENDING AND CLARIFYING MATTERS THERETO.

PASSED AND ADOPTED by the Board of Councilmen by the following vote of said Board:

AYES: _____

NAYES: _____

ABSENT: _____

NOTICE IS FURTHER GIVEN that, pursuant to the Wells City Charter, notice of the adoption of the above-entitled Ordinance is being published by title, together with an adequate summary, including any amendments, once in a newspaper of general circulation printed and published in the County of Elko and posted in full in the City of Wells. The ordinance shall become effective upon publication.

DATED this ____ day of _____, 2024.

CITY OF WELLS

By: _____
GARY POLLOCK, Mayor

PUBLISHED _____, 2024

AFFIDAVIT OF POSTING

STATE OF NEVADA)
) ss.
COUNTY OF ELKO)

SAMANTHA NANCE, being first duly sworn, deposes and says:

That she is and was at the time of posting hereafter mentioned, a citizen of the United States, over the age of twenty-one years and the duly appointed, qualified City Clerk of the City of Wells, County of Elko, State of Nevada; that on the _____ day of _____, 2024, Affiant posted at one public bulletin board in the City of Wells, Nevada, a full, true, and correct copy of the *Notice of Intention to Take Final Action* on a proposed ordinance entitled:

AN ORDINANCE AMENDING TITLE 3, CHAPTER 6, OF THE WELLS CITY CODE ENTITLED “WELLS BROTHEL CODE” BY AMENDING AND CLARIFYING MATTERS THERETO.

SAMANTHA NANCE, City Clerk

SUBSCRIBED and SWORN to (or affirmed) before me this _____ day of _____, 2024, by **SAMANTHA NANCE** as City Clerk of the City of Wells, Nevada.

NOTARY PUBLIC