

1 **PROPOSED FIRST AMENDMENT**

2 **BILL NO. 2007-78**

3 **ORDINANCE NO. _____**

4 AN ORDINANCE TO CLARIFY THE PROCESS FOR THE NONRENEWAL OF BUSINESS
5 LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Steve Wolfson

Summary: Clarifies the process for the
nonrenewal of business licenses.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
8 AS FOLLOWS:

9 SECTION 1: Title 6, Chapter 2, Section 90, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.02.090:** (A) Other than an application for a license which requires prior approval by an
12 agency of the State, an application for a license which requires formal approval of the Council to
13 which the exemptions in LVMC 6.02.070(E)(1)- (4) do not apply, or a license that is subject to the
14 provisions of LVMC Chapter 6.06, the Director, not more than thirty calendar days after receipt of an
15 application for a license, shall approve, deny or take such other action with respect to such application
16 as the Director considers appropriate. In the event that any department that the Director consults
17 regarding an application is unable to complete its review thereof in time for the Director to comply
18 with such thirty- calendar- day requirement, the Director shall issue a temporary license as provided
19 in LVMC 6.02.070. The Director may:

20 (1) Deny an applicant a license if:

21 (a) The application is incomplete or contains false, misleading or
22 fraudulent statements with respect to any information that is required in the application;

23 (b) The applicant, prospective licensee or any of its principals fails
24 to satisfy any qualification or requirement that is imposed by this Code, or other local, State or Federal
25 law or regulation that pertains to the particular license or approval for suitability which is sought;

26 (c) The applicant, prospective licensee or any of its principals
27 resides in the United States illegally;

28 (d) The applicant, prospective licensee or any of its principals is

1 engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a
2 business, trade or profession without having obtained a valid license, an approval for suitability, a
3 permit or a work card when such a person knew that one was required or under such circumstances
4 that they reasonably should have known one was required, or has solicited, encouraged, caused or
5 procured another to do so;

6 (e) The applicant, prospective licensee or any of its principals has
7 been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an
8 approval for suitability, a permit or a work card to the extent that such disciplinary action reflects upon
9 the qualification, acceptability or fitness of the applicant, prospective licensee or any of its principals;

10 (f) The applicant, prospective licensee or any of its principals has
11 been convicted of an act that constitutes a crime which involves moral turpitude or involves any local,
12 State or Federal law or regulation which relates to the same or a similar business, or has been
13 convicted of having solicited, encouraged, caused or procured another to commit such a violation;

14 (g) The applicant, prospective licensee or any of its principals has
15 been convicted of having perpetrated, or solicited, encouraged, caused or procured another to
16 perpetrate, deceptive practices upon the public;

17 (h) The applicant, prospective licensee or any of its principals
18 suffers from a legal disability under the laws of the State;

19 (i) The premises on which the business is proposed to be conducted
20 do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed
21 to be engaged in; or

22 (j) The proposed business activity constitutes, promotes, fosters,
23 aids or otherwise enables a private nuisance, public nuisance or chronic nuisance.

24 (2) [Refuse] Decline to renew a license if:

25 (a) The licensee or any of its principals is engaged, or has
26 commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or
27 profession without having obtained a valid license, an approval for suitability, a permit or a work card
28 when such a person knew that one was required or under such circumstances that they reasonably

1 should have known one was required, or has solicited, encouraged, caused or procured another to do
2 so;

3 (b) The licensee, any of its principals, or their employees or those
4 acting on their behalf, have been subject, in any jurisdiction, to disciplinary action of any kind with
5 respect to a license, an approval for suitability, a permit or a work card to the extent that such
6 disciplinary action reflects upon the qualification, acceptability or fitness of such licensee or any
7 principal;

8 (c) The licensee, any of its principals, or their employees or those
9 acting on their behalf, have been convicted of an act that constitutes a crime which involves moral
10 turpitude or involves any local, State or Federal law or regulation which relates to the same or a
11 similar business, or have been convicted of having solicited, encouraged, caused or procured another
12 to commit such a violation;

13 (d) The licensee, any of its principals, or their employees or those
14 acting on their behalf, violate a condition which is imposed upon the license;

15 (e) The licensee, any of its principals, or their employees or those
16 acting on their behalf, have been convicted of having perpetrated deceptive practices upon the public;

17 (f) The licensee or any of its principals suffers from a legal
18 disability under the laws of the State;

19 (g) The premises on which the business is conducted do not satisfy
20 local, state or federal laws or regulations which pertain to the activity which is actually engaged in;
21 or

22 (h) The business activity constitutes, promotes, causes, allows,
23 fosters, aids, or otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been
24 or is being conducted in an unlawful, illegal or impermissible manner, including but not limited to
25 causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or
26 failing to abate a private nuisance, public nuisance or chronic nuisance.

27 (B) In order to decline renewal of a license pursuant to Paragraph (2) of Subsection
28 (A) of this Section, the Director must first:

1 (a) Obtain the written approval of the City Attorney's Office; and
2 (b) Mail or deliver to the licensee, at least twenty-one days before the
3 licensing period expires, written notice of the nonrenewal, including a generalized statement of the
4 reasons therefor.

5 A failure by the City Attorney's Office to respond within three business days to a request for approval
6 under this Subsection shall be deemed an approval thereunder.

7 [(B)] (C) The Director shall base a decision to deny, revoke, suspend or fail to renew any
8 license sought or obtained under this Chapter upon the objective criteria set forth in Subsection (A)
9 and not upon a desire or need to suppress or censor expressive material, or to address conduct that
10 does not constitute or aid and abet criminal conduct or activity or other conduct harmful to the public
11 health, safety, welfare, morals and peace.

12 SECTION 2 Title 6, Chapter 2, Section 230, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.02.230:** In order to renew a license the licensee must pay the appropriate license tax, and where
15 the tax is based upon gross sales or amount of business, the licensee shall declare the gross sales or
16 amount of business he did in the last preceding period. The payment of a license tax does not by itself
17 entitle the licensee to renewal of a license.

18 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
19 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
20 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
21 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
22 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
23 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
24 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
25 invalid or ineffective.

26 ...

27 ...

28 ...

1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2008.

5 APPROVED:

6
7 By _____
 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BEVERLY K. BRIDGES, CMC
City Clerk

11 APPROVED AS TO FORM:

12 _____
 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as amended and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
11

12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk
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