

BILL NO. 2007-78

ORDINANCE NO. _____

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

Sponsored by: Councilman Steve Wolfson Summary: Clarifies the process for the nonrenewal of business licenses.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

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

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

(1) Deny an applicant a license if:

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

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

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

(d) The applicant, prospective licensee or any of its principals is engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a

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

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

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

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

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

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

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

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

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

1 so;

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

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

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

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

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

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

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

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

28 (a) Obtain the written approval of the City Attorney's Office to proceed

1 with nonrenewal; and

2 (b) Mail or deliver to the licensee, at least thirty days before the licensing
3 period expires, written notice of the Director's intent to proceed with nonrenewal, including a
4 generalized statement of the reasons for nonrenewal.

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

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

12 **6.02.230:** In order to renew a license the licensee must pay the appropriate license tax, and where
13 the tax is based upon gross sales or amount of business, the licensee shall declare the gross sales or
14 amount of business he did in the last preceding period. The payment of a license tax does not by itself
15 entitle the licensee to renewal of a license.

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

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

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-6-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, 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 first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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