

1 **BILL NO. 2007-78**

2 **ORDINANCE NO. \_\_\_\_\_**

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

5 Sponsored by: Councilman Steve Wolfson                      Summary: Clarifies the process for the  
6 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  
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: \_\_\_\_\_

11  
12 APPROVED:

13  
14 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:  
16 \_\_\_\_\_  
17 BEVERLY K. BRIDGES, CMC  
City Clerk

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