

Line by Line analysis of proposed 2008-34

AN ORDINANCE AMENDING THE PROVISIONS OF THE BUSINESS LICENSE CODE PERTAINING TO THE LICENSE APPLICATION PROCESS, LICENSEE REGULATIONS, ADMINISTRATIVE FEES, BUSINESS LICENSE CATEGORIES, DESIGNATION OF LICENSE AGENCIES AND OFFICIALS, COMPLIANCE WITH AMENDMENTS TO STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

(Page 1) Lines 19-21

The inclusion of the words advertized or marketed is unnecessary and is certain to create confusion in our multi-media world. Any promotion or advertisement in a valley-wide publication for a Henderson business could be interpreted by the department as conducting business in Las Vegas.

“Business” means any business, commercial enterprise, trade, occupation, calling, profession, vocation or activity engaged in, conducted, [or] carried on, advertised or marketed, by any person, his agent or employee for the purpose of gain, benefit or advantage, either direct or indirect.

(Page 6) Lines 12 – 16

Respectfully request the removal of the proposed fee increase to fifty dollars for new licensees or those relocating to another office.

6.02.085: (A) A [thirty-dollar] fifty dollar nonrefundable processing fee will be charged for each application filed for a new business license, a change of business ownership, a change of corporate officers, a change of business location, a change of business name or a charitable solicitations permit. Processing of such applications shall not commence until the Department has received the processing fee.

(Page 10) Lines 11-13

We approve of this addition as it re-enforces the existing State requirement, and creates continuity in that each real estate agent must have their own business license as an independent contractor.

license.] The Director may require a City license applicant to show proof that he or she has been issued a required unexpired State license, certificate or permit, as a condition of issuance of a City license.

Submitted At Meeting

Date 7/15/08 Item 6

(Page 16) Lines 19 -20 The removal of Insurance agent from the one hundred dollar per year pay schedule. Two years ago the definition of Real Estate Sales Person was deleted in a similar fashion with agents and brokers falling into the Professional Business catch all category. We request that the definitions of Real Estate Salesperson and Real Estate Broker be returned to the code at the rate of one hundred for sales persons and two hundred for brokers, as they are entirely different activities with very different State occupational licensing requirements and responsibilities.

[Insurance agent, which is any individual, firm or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer.]

(Page 24) Lines 1-14

Line 6 (B) Each professional business located outside the City and which does business in the City shall pay an annual business license fee of two hundred dollars.

This has been an issue in several cities and State Statute is clear that professional services such as Real Estate must only pay their state Business License and local license in the jurisdiction that their occupational license is hung.

Line 11-14 (D) We have had a great deal of conversation regarding independent contractor and professional employee. As we interpret the law section (D) would not apply to any real estate firm in Las Vegas as the large firms all contract with independent contractors and not professional employees of over one hundred.

6.04.065: (A) Unless otherwise provided in this Chapter, each professional business located in the City shall pay an annual business license fee, based on the number of professionals it employs, at the rate of two hundred dollars for the first professional and one hundred and fifty dollars for each additional professional. For administrative purposes, the City may opt to bill for these business license fees on a semiannual basis.

(B) Each professional business located outside of the City and which does business in the City shall pay an annual business license fee of two hundred dollars.

(C) In accordance with Section 6.04.005, each professional business shall pay a semiannual business license fee based on its gross sales of products or services within the City not related to or required in the performance of professional services.

(D) Each professional business shall pay whichever is greater, an annual license fee based on its gross revenue or a license fee based on a flat amount per professional employee pursuant to Subsection (A) of this Section if there are more than one hundred professional employees working for the professional business.

(Page 99-100) lines 13 – 2

We are opposed to this entire section and feel that it is inappropriate to be taxing the persons gross semiannual income from rentals or leases of commercial property. We feel that this should be assessed in the same manner as a real estate salesperson or broker at the one hundred or two hundred dollar level. The businesses renting or leasing the space are all currently required to pay for a business license and we feel this is an issue of double taxation.

SECTION 171: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter to consist of the provisions set forth below as Sections 172 through 174, inclusive, of this Ordinance.

SECTION 172: Any person who engages in the business of renting or leasing commercial property not utilized for residential use, either on behalf of himself or another, shall comply with and be subject to the provisions of this Chapter.

SECTION 173: (A) Any person who, on behalf of another, engages in the business of renting or leasing commercial property not utilized for residential use, and who is subject to professional licensing under State law, shall be licensed by the City under the applicable professional category and pay the applicable license fee.

(B) Any other person who engages in the business of renting or leasing commercial property not utilized for residential use, including a person who acts for himself, shall pay, in advance, a semiannual license fee based on the person's gross semiannual income from rentals or leases of commercial property pursuant to the schedule set forth in LVMC 6.04.005.

SECTION 174: Any person who, on behalf of one or more commercial property owners, rents or leases commercial property not utilized for residential use shall, upon the request of

the Director, provide a list of all commercial properties the person rents or leases on behalf of commercial property owners.