

1 **BILL NO. 2008-41**

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

3 AN ORDINANCE TO AMEND PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO  
4 CERTAIN FINGERPRINT CHECKS TO INCLUDE MORE DETAILED REFERENCES TO STATE  
5 LAW IN ORDER TO MEET NEW REQUIREMENTS OF THE FEDERAL BUREAU OF  
6 INVESTIGATION; TO EXPRESSLY SET FORTH THE CITY'S AUTHORITY TO REQUIRE AND  
PROCESS FEDERAL FINGERPRINT CHECKS FOR BUSINESS LICENSE APPLICANTS  
WITHIN CERTAIN LICENSE CATEGORIES; AND TO PROVIDE FOR OTHER RELATED  
MATTERS.

7 Proposed by: Bradford R. Jerbic, City Attorney

8 Summary: Amends provisions of the Municipal  
Code pertaining to certain fingerprint checks to  
include more detailed references to State law in  
order to meet new requirements of the Federal  
Bureau of Investigation, and to expressly set  
forth the City's authority to require and process  
Federal fingerprint checks for business license  
applicants within certain license categories.

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

13 **AS FOLLOWS:**

14 **SECTION 1:** Title 3, Chapter 24, Section 10, of the Municipal Code of the City of  
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **3.24.010:** (A) The City is authorized to require all applicants for employment with the City  
17 to submit to a background investigation that will include the receipt of information from the Federal  
18 Bureau of Investigation regarding the background and personal history of such applicants. In each  
19 such case:

20 (1) The applicant is required to submit to fingerprinting.

21 (2) A complete set of fingerprints will be taken and will be forwarded to  
22 the Central Repository for Nevada Records of Criminal History.

23 (3) The Central Repository for Nevada Records of Criminal History is  
24 authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and to  
25 exchange fingerprint data with the FBI.

26 (4) The purpose for the submission of fingerprints is to allow for a State and  
27 Federal criminal records investigation regarding the applicant to determine suitability for employment.

28 (B) This Section is adopted under the authority of, and consistent with, NRS

1 [239B.010] 239B.010(1)(b) and Public Law 92-544, and should be read and interpreted in connection  
2 therewith.

3 SECTION 2: Title 6, Chapter 6, Section 80, of the Municipal Code of the City of Las  
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

6 (B) The applicant shall submit to fingerprinting and photographing, shall authorize  
7 the City in writing to obtain information from the past and present employers, criminal justice  
8 agencies, financial institutions, Federal, State and local governments and agencies, and other persons  
9 and entities, and shall consent in writing to the release of such information to the City for use in  
10 connection with the application for approval for suitability and other City business regulations. The  
11 applicant shall also sign a release of claims and a hold harmless agreement to the City for its use of  
12 the information provided by the applicant or discovered during any investigation thereof.

13 (C) Each applicant for a license within the following categories shall be subject  
14 to the provisions of Subsection (D) of this Section:

15 (1) Adult nightclub establishment;

16 (2) Alcoholic beverage;

17 (3) Burglar alarm services;

18 (4) Child care facility;

19 (5) Erotic dance establishment;

20 (6) Gaming;

21 (7) Ice cream truck;

22 (8) Locksmith and safe mechanic;

23 (9) Martial arts instruction;

24 (10) Massage establishment;

25 (11) Mobile food vendor;

26 (12) Pawnbroker;

27 (13) Psychic arts and science;

28 (14) Secondhand dealer; and

1                   (15) Teenage dancehall or teenage nightclub.

2                   (D) In the case of the license categories listed in Subsection (C) of this Section,  
3 applicants are required to submit to fingerprinting for purposes of a fingerprint check through the  
4 Federal Bureau of Investigation (FBI). In each such case:

5                   (1) A complete set of fingerprints will be taken and will be forwarded to  
6 the Central Repository for Nevada Records of Criminal History.

7                   (2) The Central Repository for Nevada Records of Criminal History is  
8 authorized to submit the fingerprints to the FBI for its report and to exchange fingerprint data with  
9 the FBI.

10                  (3) The purpose for the submission of fingerprints is to allow for a State  
11 and Federal criminal records investigation regarding the applicant to determine suitability for  
12 licensing relative to the specified type of business.

13                  (E) The provisions of Subsections (C) and (D) of this Section are adopted under  
14 the authority of, and consistent with, NRS 239B.010(1)(a) and Public Law 92-544, and should be  
15 read and interpreted in connection therewith.

16                  SECTION 3: Title 6, Chapter 86, Section 60, of the Municipal Code of the City of  
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.86.060:** (A) In the case of work card applications listed in Section 6.86.050, applicants  
19 are required to submit to fingerprinting for purposes of a fingerprint check through the Federal  
20 Bureau of Investigation. In each such case:

21                  (1) A complete set of fingerprints will be taken and will be forwarded to  
22 the Central Repository for Nevada Records of Criminal History.

23                  (2) The Central Repository for Nevada Records of Criminal History is  
24 authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and  
25 to exchange fingerprint data with the FBI.

26                  (3) The purpose for the submission of fingerprints is to allow for a State  
27 and Federal criminal records investigation regarding the applicant to determine suitability for a  
28 work card for employment within the specified type of business.

1 (B) This Section is adopted under the authority of, and consistent with, NRS  
2 [239B.010] 239B.010(1)(a) and Public Law 92-544, and should be read and interpreted in  
3 connection therewith.

4 SECTION 4: The provisions of Sections 1 and 3 of this Ordinance shall be  
5 deemed to have gone into effect on April 6, 2008, the effective date of Ordinance No. 5979.

6 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause  
7 or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or  
8 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the  
9 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City  
10 Council of the City of Las Vegas hereby declares that it would have passed each section,  
11 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that  
12 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be  
13 declared unconstitutional, invalid or ineffective.

14 SECTION 6: All ordinances or parts of ordinances or sections, subsections,  
15 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las  
16 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_,  
18 2008.

19 APPROVED:

20 By \_\_\_\_\_  
21 OSCAR B. GOODMAN, Mayor

22 ATTEST:

23 \_\_\_\_\_  
24 BEVERLY K. BRIDGES, CMC  
City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 7-29-08  
27 Date  
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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  
6 said \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City  
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

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

ATTEST:

\_\_\_\_\_  
BEVERLY K. BRIDGES, CMC  
City Clerk