

SECOND AMENDMENT

BILL NO. 2009-22

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE BUSINESS LICENSING PROVISIONS OF THE MUNICIPAL CODE; ADDING CERTAIN ADMINISTRATIVE AND SERVICE-RELATED FEES; ADJUSTING VARIOUS LICENSE FEES AND LICENSE ORIGATION CHARGES; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman David W. Steinman

Summary: Updates the business licensing provisions of the Municipal Code by adding certain administrative and service-related fees, and adjusting various license fees and license origination charges.

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

SECTION 1: Title 6, Chapter 2, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.020: (A) The Department shall have the jurisdiction to investigate and enforce the provisions of this Title, Title 9 and the provisions of Title 19 as they relate to the use of land by, and impact of, businesses, professions and occupations.

(B) The Department shall have all powers which may be necessary or appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to:

(1) The power to enter and inspect the licensed premises at any time during the business hours of the licensee;

(2) The power to examine all books and other business records of a principal, licensee, applicant, or their employees or other persons acting under their control;

(3) The power to apply for and execute administrative search warrants based upon reasonable suspicion of a violation of this Title, Title 9 or Title 19;

(4) The power to issue citations pursuant to the provisions of NRS Chapter 171 for violations of this Title, Title 9 or Title 19;

(5) The power to issue, revoke, suspend or deny a business license, or

Submitted at City Council

Date 7/15/09 Item 75

1 temporary business license, as provided in this Chapter; [and]

2 (6) The authority to make expenditures as reasonably necessary to
3 investigate a violation of this Title, Title 9 or Title 19[.]; and

4 (7) The power to assess the following to a licensee for re-inspections
5 after the initial inspection reveals violations of this Title, Title 9, or Title 19:

6 (a) A service charge of ninety dollars for the initial
7 re-inspection, if the licensee has not corrected all violations to the Department's satisfaction by the
8 established re-inspection date, such charge to reflect the partial cost of staff time and City
9 resources;

10 (b) A service charge of one hundred twenty dollars for each
11 subsequent re-inspection until all violations have been corrected to the Department's satisfaction,
12 such charge to reflect the partial cost of staff time and City resources; and

13 (c) An administrative fee of ten percent of the amount of service
14 charges assessed under Subparagraphs (a) and (b) above, to cover administrative costs of billing
15 and receipting;

16 (C) The Department shall provide the licensee an appropriate billing to reflect
17 service charges and administrative fees assessed under Paragraph (7) of Subsection (B) above.
18 The billing shall include the date by which payment must be made, which must be at least sixty
19 days after the billing is provided. If payment is not made by the date specified, the City may
20 proceed to collect the amounts assessed in accordance with LVMC 6.02.250. Notwithstanding
21 the provisions of this Subsection (C), the licensee may appeal the assessment of service charges
22 and administrative fees, including the underlying determination that violations have occurred, by
23 filing a written appeal with the Department within ten days after the billing is provided to the
24 licensee. A hearing on the appeal will be conducted by the City Manager (or the City Manager's
25 designee) within ten days after the appeal is filed, unless otherwise agreed to by the licensee and
26 the person conducting the hearing. The period for payment is tolled during the pendency of an
27 appeal.

1 [(C)] (D) The Department is authorized to require identification or other information
2 from a principal, licensee, applicant, or their employees or other persons acting under their control,
3 at any time in furtherance of the exercise of its jurisdiction.

4 (D) (E) During the course of investigating any crime or assisting in the enforcement
5 of this Code, Metro has concurrent jurisdiction and authority to issue citations for the violations of
6 this Title, Title 9 or Title 19.

7 SECTION 2: Title 6, Chapter 2, Section 85, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.02.085:** (A) A [thirty-dollar] fifty dollar nonrefundable processing fee will be charged
10 for each application filed for a new business license, a change of business ownership, a change of
11 corporate officers, a change of business location, a change of business name or a charitable
12 solicitations permit. Processing of such applications shall not commence until the Department
13 has received the processing fee.

14 (B) The processing fee set forth in Subsection (A) of this Section is to be in
15 addition to any other license fee required by this Code for the type of business in question.

16 SECTION 3: Title 6, Chapter 2, Section 180, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.02.180:** Subject to the provisions of LVMC 6.02.190, the first semiannual license fee for a
19 business whose license fee is based on gross sales shall be the greater of:

20 (A) [an] The amount determined by the Director to be the cumulative average
21 semiannual license fee paid by other businesses in the same industry[.] ; or

22 (B) One hundred dollars.

23 An applicant may elect to pay a larger first period license fee than required by this Section.

24 SECTION 4: Title 6, Chapter 2, Section 250, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.02.250:** (A) All license fees other than gambling and liquor license fees shall become
27 delinquent if not received within fifteen days after the due date. If full payment is not made

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1 within fifteen days after the due date, fifteen percent of the entire license fee shall be assessed as a
2 penalty, payable in addition to the license fee; provided, however, if the fifteenth day following the
3 due date is a Saturday, Sunday or holiday, the penalty must not be assessed if the license fee is
4 received before five p.m. of the next day which is not a Saturday, Sunday or holiday. Assessed
5 penalty charges are due on or before the thirtieth day after the license fee due date.

6 (B) All licenses for which fees and assessed penalty charges have not been paid
7 within thirty days after the license fee due date may be [suspended] deemed expired by the
8 Director and, if [suspended,] so deemed, shall not be reinstated until the license fees, [and]
9 assessed penalty charges and a reinstatement fee of fifty dollars have been paid.

10 (C) The Director may refer any delinquent license fees and assessed penalty
11 charges to a collection agency for collection if they have not been paid within thirty days after the
12 license fee due date. The Director may do likewise regarding any service charges and
13 administrative fees that have been assessed pursuant to LVMC 6.02.020(7) and have not been paid
14 in a timely manner.

15 (D) As a condition of reinstatement of a license deemed expired pursuant to
16 Subsection (B) of this Section, the licensee shall, in addition to payment of any outstanding license
17 fees, penalty charges, service charges, administrative fees, and reinstatement fees, reimburse the
18 City for any expenses it has incurred as a result of referring the licensee's delinquent license fees
19 and assessed penalty charges to a collection agency.

20 SECTION 5: Title 6, Chapter 4, Section 30, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.04.030:** Businesses within the following licensing categories shall pay a fifty dollars annual
23 business license fee, as set forth below:

24 **Billiard or pool hall,** [The] with the fee amount [shall] to be charged for each billiard or pool
25 table.

26 **Bowling center,** which is a business providing a place to engage in the sport of bowling. The fee
27 amount shall be charged for each alley.

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1 **Tobacco dealer**, which is any person licensed pursuant to NRS Chapter 370 to sell tobacco. The
2 fee amount shall be charged for each sales location, whether a machine, retail location, or
3 warehouse facility.

4 **Express or delivery service**, [The] with the fee amount [shall] to be charged for the first vehicle
5 used in the business, [with] and a thirty dollar annual fee to be charged for each additional vehicle
6 used in the business. An applicant for this license may be required by the Director to furnish a
7 State license or certificate, if applicable, or written verification that such license or certificate is
8 not required.

9 **Nonprofit commercial enterprise**, which is any commercial enterprise regularly engaged in by an
10 organization that has duly qualified as tax exempt under the Internal Revenue Code. The category
11 does not include an organization whose commercial activities consist solely of one or more of the
12 following:

13 (A) Occasional fundraising activities;

14 (B) Solicitation activities that are subject to the provisions of LVMC Chapter
15 6.22;

16 (C) The sale of items that are intended to convey a religious, political or
17 ideological message.

18 **Transfer and storage company**, with the fee amount to be charged for the first truck used in the
19 business, and a thirty dollar annual fee to be charged for each additional truck used in the business.

20 SECTION 6: Title 6, Chapter 4, Section 60, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.04.060:** Businesses within the following licensing categories shall pay a two hundred
23 dollars annual business license fee, as set forth below:

24 **Adult day care facility**, which is an establishment operated and maintained to provide care, for
25 not more than twelve hours at a time, on a temporary or permanent basis for aged or infirm
26 persons.

27 **Advertising or marketing service**, which is any business engaged in the act of designing,
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1 producing and disseminating information to the general public, including public relations activities
2 on behalf of persons or businesses.

3 **Auto broker**, which is any person who, for a fee or any other consideration, offers to provide to
4 another person the service of arranging, negotiating or assisting in the purchase of a new or used
5 vehicle which has not been registered by the broker.

6 **Automobile leasing**, which is any business that leases automobiles or any other kind of motor
7 vehicle that is required to be licensed by the Department of Motor Vehicles and Public Safety.

8 **Babysitting service**, which is any business whose employees are sent to a home or lodging
9 establishment to care for one or more children who reside there. Each principal of the business
10 and each employee that provides care must obtain a work card pursuant to LVMC Chapter 6.86
11 and a health card pursuant to regulations of the Health District.

12 **Bail agent or bail enforcement agent**, which is any person who is authorized, employed or
13 contracted by a surety or bail agent to do any of the following:

14 (A) Solicit bail transactions;

15 (B) Execute or countersign undertakings of bail;

16 (C) Pledge currency, money orders or cashier's checks as security for a bail
17 bond in connection with judicial proceedings and receive or be promised money or other things of
18 value therefor;

19 (D) Enforce the terms and conditions of a defendant's release from custody on
20 bail in a criminal proceeding; or

21 (E) Locate, apprehend, or surrender a defendant to custody. Each bail agent
22 and bail enforcement agent is required to have an appropriate State license issued in accordance
23 with NRS Chapter 697 before doing business in the City.

24 **Body piercing**, which is any business that pierces the skin for the purpose of inserting rings,
25 loops, studs or other implements, or which engages in the sale of those items for use in connection
26 with body piercing.

27 **Environmental analysis**, which is any business that tests or analyzes the quality or content of soil,
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1 water, atmosphere, or other elements related to the environment.

2 **Health and fitness club**, which is any business that is open to the general public and that provides
3 the use of equipment or facilities for the maintenance or development of physical fitness or the
4 control of weight.

5 **Insurance adjuster**, which is any person who is licensed or required to be licensed as an adjuster
6 under NRS Chapter 684A and who receives compensation for acting as an adjuster, whether acting
7 as an owner, officer, associate, member or employee of a business.

8 **Insurance agency**, which is any business whose agents, brokers, or adjusters transact insurance
9 subject to the regulations of NRS 679A. The license fee for this category includes the first agent,
10 broker or adjuster who otherwise would be required to be pay a license fee under this Section as a
11 sales or service agent or representative.

12 **Managed health care organization**, which is any person who provides, arranges, pays for, or
13 reimburses for the provision of any element of health care services and who controls the amounts
14 to be paid to health care providers by a managed care program.

15 **Management or consulting service**, which is any person or firm that conducts budgeting,
16 management counseling, consulting service or promoting for another.

17 **Merchandise broker**, which is any person who acts as an agent for others in negotiating contracts,
18 purchases, the sale of goods, wares or services and who does not take possession of the
19 merchandise.

20 **Photography business**, which is any business that takes photographs for eventual sale to a client
21 or customer of the business.

22 **Remote motor vehicle rental**, which is an automobile ticket rental agency or transportation rental
23 agency location with no vehicles on site.

24 **Residential facility for groups**, which is a facility as defined in NRS 449.017.

25 **Residential home care provider**, which is any person who provides or contracts to provide
26 medical supervision, general care, nursing or housekeeping services to the sick, injured or
27 dependent within a home setting, whether on a temporary or permanent basis.

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1 **Sales or service agent or representative**, which is any person who sells, solicits, negotiates,
2 offers or performs on behalf of another person the transaction of any instrument or finance related
3 service, including but not limited to insurance, financial or investment advice, securities or similar
4 activities, whether the instrument or service is in possession of the agent or representative and
5 whether the agent or representative is an employee or under contract to perform these activities.

6 **Wire service**, which is any person who engages in the business of transmitting or receiving funds
7 by means of a communication system in which the transmission and reception stations are directly
8 connected by one or more telephones or computers.

9 **Youth employment organization**, which is any for-profit or nonprofit organization whose
10 primary purpose is to hire minors to sell a product or service, either door-to-door or at a fixed
11 location. Principals of an organization must obtain a work card pursuant to LVMC Chapter 6.86.
12 Each organization must comply with State Labor Commission regulations and must first obtain the
13 written consent of the parent or legal guardian of each minor before they are hired.

14 SECTION 7: Ordinance No. 6036 and Title 6, Chapter 6, Section 51, of the
15 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that
16 Section 6.06.051 reads as follows:

17 **6.06.051:** (A) At the request of an applicant, the Director may grant a temporary license,
18 effective for a period not to exceed ninety days, pending final action regarding a license
19 application in order for the license approval authority to determine:

20 (1) The applicant's fitness for a license; and

21 (2) The appropriateness of the applicant's business location.

22 (B) A temporary license shall not be granted under this Section unless:

23 (1) All principals required to be approved for suitability have submitted
24 a complete investigation packet for determination of suitability and paid all applicable fees;

25 (2) The Director makes a preliminary finding that all of the principals of
26 the business are suitable; and

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1 (3) The applicant has submitted a completed and accurate license
2 application and has paid [all] a non-refundable temporary license processing fee, in addition to all
3 other required application fees. The amount of the temporary license processing fee shall be:

4 (a) Two hundred fifty dollars, for licenses issued under the
5 provisions of Chapters 6.47, 6.55 and 6.69; and

6 (b) Five hundred dollars, for all other categories.

7 SECTION 8: Title 6, Chapter 6, Section 100, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.06.100:** Each applicant shall pay the following non-refundable fee deposits at the time of
10 filing an application for a license or approval for suitability with the Department:

11 (A) Two hundred dollars made payable to Metro for investigation of a license
12 application.

13 (B) One hundred-fifty dollars made payable to Metro for investigation of an
14 approval for suitability application.

15 (C) One hundred dollars made payable to the Department for processing an
16 application for a business license or approval for suitability.

17 SECTION 9: Title 6, Chapter 6, Section 150, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.06.150:** The Director, in considering whether to waive a principal, may require:

20 (A) Personal identification information;

21 (B) A written request from a managing officer or partner of the business setting
22 forth sufficient information as to the principal's responsibilities and authority with the licensee or
23 proposed licensee; and

24 (C) A [fifty] one-hundred dollar non-refundable waiver fee, payable in advance,
25 for each principal requesting a waiver.

26 SECTION 10: Title 6, Chapter 50, Section 360, of the Municipal Code of the City

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1 of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

2 SECTION 11: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
4 360, reading as follows:

5 **6.50.360:** Each licensee shall pay to the Department, in advance, the semiannual license fees
6 set forth in the following schedule:

7	License Category	Semiannual License Fee (Dollars)
8	Banquet facility	500
9	Beer/wine/cooler art event on-sale	300
10	Beer/wine/cooler on-sale	300
11	Beer/wine/cooler off-sale	300
12	Beer/wine/cooler on-off sale	600
13	Brew/pub/tavern	1,200
14	Convention facility	1,200
15	Gift basket limited	300
16	Gift shop limited	500
17	Grocery store internet sale	500
18	Hotel lounge bar	1,200
19	Keg beer	500
20	Liquor caterer	500
21	Nonprofit club general	200
22	Nonprofit club restaurant service bar	100
23	Package	750
24	Permanent trade show facility	2,400
25	Restaurant service bar	600
26	Supper club	800
27	Plus: fee for each additional bar	750

1	Tavern (one bar)	1,200
2	Plus: fee for each additional bar	900
3	Tavern-limited	800
4	Plus: fee for each additional bar	500
5	Urban lounge	1,000
6	Plus: fee for each additional bar	750
7	Wholesale general	1,000
8	Wine, beer, cordial, liqueur tasting	600

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10 Each special event general licensee shall pay a license fee of one hundred dollars per day.

11 Each special event beer/wine licensee shall pay a license fee of seventy-five dollars per day.

12 SECTION 12: Title 6, Chapter 50, Section 380, of the Municipal Code of the City
13 of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

14 SECTION 13: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
16 380, reading as follows:

17 **6.50.380:** (A) The origination charge listed in this Section is a one time charge which is
18 due and payable at the time of filing an application for an alcoholic beverage license. Origination
19 charges are as follows:

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22	License Category	Origination Charge (Dollars)
23	Banquet facility	20,000
24	Beer/wine/cooler art event on-sale	1,000
25	Beer/wine/cooler on-sale	2,500
26	Beer/wine/cooler off-sale	2,500

1	Beer/wine/cooler on-off sale	5,000
2	Brew/pub/tavern	75,000
3	Convention facility	75,000
4	Gift basket limited	1,000
5	Gift shop limited	4,000
6	Grocery store internet sale	2,500
7	Hotel lounge bar	40,000
8	Keg beer	4,000
9	Liquor caterer	4,000
10	Nonprofit club general	2,000
11	Nonprofit club restaurant service bar	1,000
12	Package	40,000
13	Permanent trade show facility	60,000
14	Restaurant service bar	30,000
15	Supper club	40,000
16	Tavern	75,000
17	Tavern-limited	20,000
18	Urban lounge	50,000
19	Wholesale general	10,000
20	Wine, beer, cordial, liqueur tasting	2,000

21 (B) The transfer of an alcoholic beverage license from one licensee to another is
22 exempt from the origination charge set forth in this Section.

23 (C) In connection with the issuance of an original new City alcoholic beverage
24 license to an existing County alcoholic beverage licensee whose business premises have been
25 annexed into the City, the Department shall waive the origination charge at the request of the
26 applicant. However, a license concerning which such a waiver has been granted may not be sold,
27 transferred to a third party, or transferred to a new location, notwithstanding any provision of this

1 Title to the contrary.

2 SECTION 14: Title 6, Chapter 68, Section 10, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.68.010:** [(A)] For the purposes of this Chapter, a “real estate developer” is defined as the
5 owner, or the principal agent of an inactive owner, of subdivided land who offers it for sale in any
6 offering or disposition, [other than the following:

7 (1) An offer of sale by a purchaser of any subdivision lot, parcel, or unit
8 thereof for his own account in a single or isolated transaction;

9 (2) An offer of sale of subdivided land if each lot, parcel, or unit being
10 offered or disposed of in any subdivision is five acres or more;

11 (3) An offer or sale to any person who is engaged in the business of the
12 construction of residential, commercial, or industrial buildings for disposition;

13 (4) An offer or sale to any person licensed in the State to construct
14 residential buildings and where such land being offered or disposed of is to include a residential
15 building when disposition is complete;

16 (5) An offer or sale pursuant to the order of any court of this State;

17 (6) An offer or sale by any government or government agency;

18 (7) An offer or disposition of any evidence of indebtedness secured by
19 any mortgage or deed of trust of real estate;

20 (8) An offer or sale of securities or units of interest issued by an
21 investment trust regulated under the laws of this State; or

22 (9) An offer or sale of cemetery lots.

23 (B) For the purposes of this Chapter, “subdivided land” or “subdivision” is
24 defined as any land or tract of land in another state or in this State from which a sale is attempted
25 which is divided or proposed to be divided into fifty or more lots, parcels, units, or interests, for
26 the purposes of sale as part of a common promotional plan and where any subdivision is offered by

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1 a single developer or a group of developers acting in concert, and such land is contiguous or is
2 known, designated, or advertised as a common unit or by a common name, such land shall be
3 presumed, without regard to the number of lots covered by each individual offering, to be part of a
4 common promotional plan.]

5 SECTION 15: Title 6, Chapter 68, Section 30, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.68.030:** Each real estate developer shall pay a semiannual license fee [equal to one percent
8 of his average monthly sales.] pursuant to the schedule set forth in LVMC 6.04.005.

9 SECTION 16: (A) The license fee increases established and provided for in this
10 Ordinance:

11 (1) Are needed in order to reflect increased costs associated with the
12 administration and enforcement of LVMC Title 6; and

13 (2) Are intended to help offset those costs and to provide additional
14 general fund revenues available for providing City services, including police and fire protection;
15 the construction and maintenance of highways, streets, and other infrastructure; and recreational
16 activities and cultural events.

17 (B) The revenue to be obtained as a result of the license fee increases referred to
18 in Subsection (A) are intended to be used for the purposes described in Paragraph (2) of
19 Subsection (A) of this Section.

20 SECTION 17: This Section and Section 7 of this Ordinance shall become effective
21 10 days following its adoption and publication. The remaining sections shall become effective on
22 January 1, 2010.

23 SECTION 18: If any section, subsection, subdivision, paragraph, sentence, clause
24 or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or
25 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
26 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City

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1 Council of the City of Las Vegas hereby declares that it would have passed each section,
2 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
3 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be
4 declared unconstitutional, invalid or ineffective.

5 SECTION 19: Whenever in this ordinance any act is prohibited or is made or
6 declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing
7 of any act is required or the failure to do any act is made or declared to be unlawful or an offense
8 or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
9 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more
10 than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination
11 of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a
12 separate offense.

13 SECTION 20: All ordinances or parts of ordinances or sections, subsections,
14 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this _____ day of _____,
17 2009.

18 APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

21 ATTEST:

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23 _____
24 BEVERLY K. BRIDGES, CMC
City Clerk

25 APPROVED AS TO FORM:

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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 _____, 2009, 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 _____, 2009, 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 amended 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

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15 ATTEST:

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16 BEVERLY K. BRIDGES, CMC
17 City Clerk

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