

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
JUNE 2, 2009
9:00 A.M.**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2009-21 – Updates the hearing procedures of the Municipal Code relating to parking infractions. Proposed by: Bradford R. Jerbic, City Attorney
4. Bill No. 2009-22 – 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. Sponsored by: Councilman David W. Steinman
5. Bill No. 2009-23 – Updates the City's business license fee provisions to increase the gross sales license fee; include for certain license categories annual fee adjustments based on the Consumer Price Index and the City's growth rate; adjust license fees for certain alcoholic beverage licenses; and add provisions regarding the licensing and regulation of persons who rent or lease certain types of commercial property. Sponsored by: Councilman David W. Steinman
6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
7. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-21 – Updates the hearing procedures of the Municipal Code relating to parking infractions. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Under applicable City ordinances, parking citations may be contested by means of a hearing officer process. For those who don't choose that process, another potential means of contesting a citation has been to appear in response to a civil complaint filed by the City in Municipal Court. Because such a court process has not proved feasible, it has been proposed to allow those who wish to contest a citation in Municipal Court to request such a hearing by means of posting a \$500 bond, which would function as an appeal bond. This ordinance will implement that change.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-21
2. Business Impact Statement

1 **BILL NO. 2009-21**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO UPDATE THE HEARING PROCEDURES OF THE MUNICIPAL CODE**
4 **RELATING TO PARKING INFRACTIONS, AND TO PROVIDE FOR OTHER RELATED**
5 **MATTERS.**

6 Proposed by: Bradford R. Jerbic, City Attorney Summary: Updates the hearing procedures of
7 the Municipal Code relating to parking
8 infractions.

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

11 **SECTION 1: Title 11, Chapter 10, Section 80, of the Municipal Code of the City of**
12 **Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:**

13 **11.10.080: (A) [A person who responds to a Notice of Infraction] The owner or operator of a**
14 **vehicle concerning which a Notice of Infraction has been issued and served in accordance with this**
15 **Chapter must:**

16 (1) "Admit" responsibility for the commission of the infraction and liability
17 for the penalty imposed and pay the appropriate civil fine and penalty;

18 (2) Contact the Director of Finance and Business Services, or his authorized
19 designee, "admit" responsibility and liability for the commission of the infraction and any penalties
20 thereon and arrange a schedule for the payment of such fines and penalties;

21 (3) [Accept responsibility as the owner and/or operator of the vehicle while
22 reserving the right] Request a binding hearing, as provided for in Subsections (B) to (J), inclusive, of
23 this Section in order to disclaim responsibility as the owner or operator, or to dispute the propriety of
24 the issuance of the Notice of Infraction and any penalties [thereon and agree to a binding hearing in
25 the nature of an arbitration or alternative dispute resolution as provided in Subsections (B) through
26 (J), inclusive of this Section; or] related thereto; or

27 (4) [Await the filing and receipt of a civil Complaint and Summons (or
28 Affidavit of Complaint and Order) in accordance with Section 11.10.100 through Section 11.10.120,
inclusive and appear as summonsed to defend against such civil Complaint (or Affidavit of
Complaint) or be subject to the entry of a default judgment at the time of such failure to appear as

1 summonsed (or ordered) and upon proof of service of the Complaint and Summons (or Affidavit of
2 Complaint and Order) as provided in Section 11.10.110.] Request a judicial hearing in order to
3 disclaim responsibility as the owner or operator, or to dispute the propriety of the issuance of the
4 Notice of Infraction and any penalties related thereto. A person requesting a judicial hearing pursuant
5 to this Paragraph (4) must file a written request for hearing with the Municipal Court and pay such
6 filing fee as the Court may require. In addition, the person requesting the hearing must post a bond
7 in the amount of five hundred dollars. The bond may be used to satisfy any liability of the person
8 requesting the hearing, and any portion remaining thereafter shall be returned to the person requesting
9 the hearing. The scheduling and conduct of the hearing shall be in accordance with such rules as the
10 Court may establish for hearings of this type.

11 (B) [Unless the City has sought judicial enforcement of the Notice of Infraction
12 pursuant to Section 11.10.100, a] A person may initiate a hearing pursuant to Paragraph (3) of
13 Subsection (A) of this Section by personally contacting the Director of Finance and Business Services,
14 or his designee, identifying his/her name, current address and the Notice(s) of Infraction(s) and
15 penalties thereon which such person wishes to subject to such hearing and receiving a date for such
16 hearing. Any person initiating such a hearing in this manner thereby stipulates to be bound by the
17 decision of the Hearing Officer concerning liability for the infraction(s) and responsibility for the
18 penalties thereon and shall acknowledge the same in writing. Any person scheduling a hearing before
19 the Hearing Officer thereby further stipulates that in the event of his or her failure to appear at such
20 hearing without having first sought and obtained a continuance of such hearing, the Hearing Officer
21 may enter a decision against the defendant for the full amount of fines and penalties scheduled to be
22 reviewed and shall acknowledge the same in writing. The acknowledgment provided for herein shall
23 be in substantially the following form:

24 I _____, hereby request a binding hearing [in the nature of
25 arbitration or alternative dispute resolution] before the Hearing Officer. My address is
26 _____. I request that this hearing involve Notice(s) of Infraction(s)
27 Number _____. I understand that the Hearing Officer is an attorney and not an elected
28 or appointed judge.

1 I understand that I am agreeing to be bound by the decision of the Hearing Officer. I
2 understand that if I fail to appear for the scheduled hearing before the Hearing Officer without
3 first obtaining a continuance of such hearing, the Hearing Officer can and will enter a decision
4 against me for the full amount and penalties scheduled to be reviewed. I understand and agree
5 that if necessary due to my lack of timely payment, the City of Las Vegas can and will use this
6 binding decision to have a formal civil judgment entered against me in the Las Vegas
7 Municipal Court.

8 I understand that if a civil judgment is obtained, the City may seek and obtain a writ
9 of execution against me. I understand that if a writ of execution is obtained, my wages and/or
10 bank accounts may be garnished, liens may be put on my property and my vehicle(s) may be
11 towed or immobilized. I also understand that my vehicle(s) may be immobilized without a
12 writ of execution if:

13 1. I accumulate more than \$500.00 in unpaid civil fines, judgments and penalties
14 for parking violations, or

15 2. At least five Notices of Infraction have been issued and served with respect to
16 vehicles I own and have not been responded to within the time set forth in LVMC 11.10.090.

17 Knowing all of the above, I still wish to request a binding hearing before the Hearing
18 Officer on the above-described Notice(s) of Infraction(s). I hereby acknowledge the above and
19 further acknowledge that at my request a hearing has been set for _____, 20_____
20 at the hour of _____ m.

21
22 _____
Defendant

23 (C) Any hearing conducted pursuant to Subsection (A), Paragraph (3) and
24 Subsection (B) of this Section shall be presided over by a Hearing Officer who shall be an attorney
25 licensed to practice law in the State of Nevada.

26 (D) With respect to any hearing conducted pursuant to Subsection (A), Paragraph
27 (3) and Subsection (B) of this Section, a properly filed Notice of Infraction shall constitute a claim of
28 liability and a claim for relief and no other such claim shall be required. Prima facie proof of the

1 violation alleged shall be established by the City providing the Hearing Officer with either a certified
2 copy of the Notice of Infraction or the data stored in a computer or other device as described in
3 Subsection (B) of Section 11.10.030, [Subsection (B) of this Chapter.] No formal appearance by the
4 City Attorney's office is required. The hearings and dispositions of all such actions shall be informal,
5 with the Hearing Officer receiving witness statements or testimony and other evidence for the sole
6 purpose of dispensing fair and speedy justice between the parties.

7 (E) The burden of proving any defense shall be upon the person raising such
8 defense.

9 (F) If the Hearing Officer finds that the infraction did not occur or that an infraction
10 was committed, but one or more of the defenses set forth below is applicable, the Hearing Officer shall
11 enter his decision for the defendant. Such a decision shall release the registered owner and/or operator
12 from all liability thereunder. Such defenses include, but are not limited to:

13 (1) At the time of the receipt of the notice, possession of the subject vehicle
14 had been acquired by another in violation of the laws of the State of Nevada;

15 (2) If the notice alleges a violation of any ordinance pertaining to a meter,
16 such meter was mechanically malfunctioning to the extent that its reliability was questionable;

17 (3) Compliance with the subject ordinances would have presented an
18 imminent danger to persons or property;

19 (4) The area of the alleged violation was so inadequately marked or lit as
20 to fail to give sufficient notice that access to the area was restricted or prohibited;

21 (5) A mechanical malfunction of the vehicle caused it to be parked in the
22 area alleged and it was removed as soon as could be reasonably expected thereafter;

23 (6) At the time of the issuance of the Notice of Infraction, the vehicle was
24 parked consistent with public safety, by a physically handicapped person, a disabled veteran or a
25 person transporting a physically handicapped person or disabled veteran in compliance with NRS
26 484.407.

27 (G) Except as provided in Subsection (H) of this Section, the defendant shall pay
28 the total civil fines and penalties forthwith or at such times and on such conditions as the Hearing

1 Officer shall prescribe if it is found that the person has either failed to appear or otherwise defend
2 against the issuance of the infraction as agreed or that the infraction has been committed and no
3 applicable defense exists. It is the defendant's burden to establish by a preponderance of the evidence
4 that, through no fault of himself or his agent, he failed to receive notice of the issuance of the Notice
5 of Infraction as provided in this Chapter. If the defendant meets this burden, he is not liable for any
6 civil penalties which would otherwise apply and such penalties shall not be included in any decision
7 against the defendant.

8 (H) Upon request and proper proof, the Hearing Officer may reduce his decision
9 concerning liability by up to twenty-five percent of the original amount found due in consideration of
10 the timely payment of the prior balance if satisfied by the defendant that a preponderance of the
11 evidence shows that the defendant has become indigent and will be unable to pay the balance.

12 (I) Upon reaching a decision, the Hearing Officer shall as soon as practicable
13 thereafter, file a written decision substantially conforming to the following form:

14 City of Las Vegas, Clark County, Nevada, City of Las Vegas, Plaintiff v. _____,
15 Defendant. Before, _____, Hearing Officer for the City of Las Vegas, Clark
16 County, Nevada, decision is entered in favor of _____, (plaintiff or defendant) for
17 \$_____ (enter \$0.00 if judgment is for the defendant), on the ____ day of _____,
18 20____. I certify that the foregoing is a correct reflection of the decision entered in the action
19 properly brought for my consideration pursuant to [Title 11, Chapter 10, Section 080 of the
20 Las Vegas Municipal Code.] Section 11.10.080.

21 _____
22 Hearing Officer

23 (J) Based upon the defendant's stipulation to be bound by the decision of the
24 Hearing Officer, the City Attorney may petition the Las Vegas Municipal Court for the entry of a civil
25 judgment against the defendant in an amount equal to that stated in the written decision of the Hearing
26 Officer if the City Attorney determines this action to be necessary to enforce such decision. Service
27 of such petition on the defendant must be made by certified mail, return receipt requested, restricted
28 delivery, addressed to the registered owner of the vehicle at his last known address, as indicated by

1 the vehicle registration which is maintained by the Nevada Department of Motor Vehicles or in any
2 other manner which is authorized by law. An affidavit or declaration of mailing, a signed, returned
3 receipt, or other evidence of service shall be filed upon such service of the petition. Once a petition
4 for civil judgment pursuant to this Subsection (J) has been filed with the Municipal Court, the
5 assigned judge has jurisdiction to grant or deny the relief prayed for therein.

6 SECTION 2: Title 11, Chapter 10, Section 90, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **11.10.090:** (A) A response to a Notice of Infraction, as provided in [Subsection (A) or
9 Subsection (B) of] Section 11.10.080, must be made within thirty calendar days after the date on
10 which the Notice of Infraction is served. If no response is received during such thirty-day period, an
11 additional civil penalty which is equal to the amount of the original civil fine must be assessed.

12 (B) After the expiration of the thirty-day response period, the Director of Finance
13 and Business Services, or his authorized designee must send a Notice of Delinquency by mail to the
14 registered owner of the vehicle at the registered owner's last known address, as indicated by the
15 vehicle registration which is maintained by the Nevada Department of Motor Vehicles. The Notice
16 of Delinquency must contain the date of the infraction, the amount of the civil fine and the amount
17 of any penalty which is associated therewith. The registered owner has fifteen calendar days after the
18 date of the Notice of Delinquency in which to respond thereto in the manner which is provided in
19 [Subsection (A) or Subsection (B) of] Section 11.10.080. If no response is made to the Notice of
20 Delinquency within such additional fifteen-day period, a civil penalty must be assessed equal to two
21 times the original civil fine amount, in addition to the original civil fine.

22 SECTION 3: Title 11, Chapter 10, Sections 100, 110 and 120, of the Municipal Code
23 of the City of Las Vegas, Nevada, are hereby repealed in their entirety.

24 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

8 APPROVED:

9
10 By _____
OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, CMC
City Clerk

14 APPROVED AS TO FORM:

15 Val Heed 5-6-09
16 Date

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 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

BUSINESS IMPACT STATEMENT

BILL NO. 2009-21

(Updates the hearing procedures of the Municipal Code relating to parking infractions)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-21, that will update the hearing procedures of the Municipal Code relating to parking infractions.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No businesses identified

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

None identified

Direct effects:

None identified

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost identified

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Hearing bond requirement established. Unable to estimate amount to be collected; will depend on number of hearings requested. In addition, the bond does not function as a fee but as security for the payment of any liability of the person requesting the hearing, with any excess to be returned.

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

See #5 above

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: May 6, 2009

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-22 – 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. Sponsored by: Councilman David W. Steinman

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update 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 bill is proposed to go into effect on July 1, 2009. Comments from affected business groups have been solicited and considered.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-22
2. Business Impact Statement

1 **BILL NO. 2009-22**

2 **ORDINANCE NO. _____**

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

6 Sponsored by:
7 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.

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

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

13 **6.02.020:** (A) The Department shall have the jurisdiction to investigate and enforce the
14 provisions of this Title, Title 9 and the provisions of Title 19 as they relate to the use of land by, and
15 impact of, businesses, professions and occupations.

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

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

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

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

24 (4) The power to issue citations pursuant to the provisions of NRS Chapter
25 171 for violations of this Title, Title 9 or Title 19;

26 (5) The power to issue, revoke, suspend or deny a business license, or
27 temporary business license, as provided in this Chapter; [and]

28 (6) The authority to make expenditures as reasonably necessary to

investigate a violation of this Title, Title 9 or Title 19[.]; and

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

(a) A service charge of one hundred twenty dollars for the initial re-inspection, if the licensee has not corrected all violations to the Department's satisfaction by the established re-inspection date;

(b) A service charge of one hundred eighty dollars for each hour of subsequent re-inspection time (with a one-hour minimum) until all violations have been corrected to the Department's satisfaction; and

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

(C) The Department shall provide the licensee an appropriate billing to reflect service charges and administrative fees assessed under Paragraph (7) of Subsection (B) above. The billing shall include the date by which payment must be made. If payment is not made in a timely manner, the City may proceed to collect the amounts assessed in accordance with LVMC 6.02.250.

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

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

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

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.

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

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

5 **6.02.180:** Subject to the provisions of LVMC 6.02.190, the first semiannual license fee for a
6 business whose license fee is based on gross sales shall be the greater of:

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

9 (B) One hundred dollars.

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

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

13 **6.02.250:** (A) All license fees other than gambling and liquor license fees shall become
14 delinquent if not received within fifteen days after the due date. If full payment is not made within
15 fifteen days after the due date, [fifteen] twenty-five percent of the entire license fee shall be assessed
16 as a penalty, payable in addition to the license fee; provided, however, if the fifteenth day following
17 the due date is a Saturday, Sunday or holiday, the penalty must not be assessed if the license fee is
18 received before five p.m. of the next day which is not a Saturday, Sunday or holiday. Assessed penalty
19 charges are due on or before the thirtieth day after the license fee due date.

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

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

28 (D) As a condition of reinstatement of a license deemed expired pursuant to

1 Subsection (B) of this Section, the licensee shall, in addition to payment of any outstanding license
2 fees, penalty charges, service charges, administrative fees, and reinstatement fees, reimburse the City
3 for any expenses it has incurred as a result of referring the licensee's delinquent license fees and
4 assessed penalty charges to a collection agency.

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

7 **6.04.030:** Businesses within the following licensing categories shall pay a fifty dollars annual
8 business license fee, as set forth below:

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

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

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

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

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

- 23 (A) Occasional fundraising activities;
24 (B) Solicitation activities that are subject to the provisions of LVMC Chapter 6.22;
25 (C) The sale of items that are intended to convey a religious, political or ideological
26 message.

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

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

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

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

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

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

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

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

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

- (A) Solicit bail transactions;
- (B) Execute or countersign undertakings of bail;
- (C) Pledge currency, money orders or cashier's checks as security for a bail bond in connection with judicial proceedings and receive or be promised money or other things of value therefor;
- (D) Enforce the terms and conditions of a defendant's release from custody on bail in a criminal proceeding; or
- (E) Locate, apprehend, or surrender a defendant to custody. Each bail agent and

1 bail enforcement agent is required to have an appropriate State license issued in accordance with NRS
2 Chapter 697 before doing business in the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 SECTION 7: Title 6, Chapter 4, of the Municipal Code of the City of Las Vegas,
19 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
20 6.04.190, reading as follows:

21 **6.04.190:** Each gasoline station, service station, or gasoline, diesel, motor vehicle fuel sales
22 outlet, shall pay a license fee of one dollar per one thousand gallons of gasoline, diesel or motor
23 vehicle fuel sales made during the previous semiannual period; provided however, the minimum
24 semiannual license fee under this Section shall be three hundred dollars. Nothing in this Section shall
25 exempt any gasoline station, service station, or gasoline, diesel, motor vehicle fuel sales outlet from
26 paying a license fee based on gross sales pursuant to Section 6.04.005 for sales of services, including
27 labor, and sales of goods other than gasoline, diesel or motor vehicle fuel.

28 SECTION 8: Ordinance No. 6036 and Title 6, Chapter 6, Section 51, of the Municipal

Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.06.051 reads as follows:

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

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

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

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

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

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

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

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

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

SECTION 9: Title 6, Chapter 6, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

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

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

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

SECTION 10: Title 6, Chapter 6, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

(A) Personal identification information;

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

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

SECTION 11: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 12: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 360, reading as follows:

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

License Category	Semiannual License Fee (Dollars)
Banquet facility	500
Beer/wine/cooler art event on-sale	300
Beer/wine/cooler on-sale	300
Beer/wine/cooler off-sale	300
Beer/wine/cooler on-off sale	600
Brew/pub/tavern	1,200
Convention facility	1,200
Gift basket limited	300
Gift shop limited	500
Grocery store internet sale	500
Hotel lounge bar	1,200

1	Keg beer	500
2	Liquor caterer	500
3	Nonprofit club general	200
4	Nonprofit club restaurant service bar	100
5	Package	750
6	Permanent trade show facility	2,400
7	Restaurant service bar	600
8	Supper club	800
9	Plus: fee for each additional bar	750
10	Tavern (one bar)	1,200
11	Plus: fee for each additional bar	900
12	Tavern-limited	800
13	Plus: fee for each additional bar	500
14	Urban lounge	1,000
15	Plus: fee for each additional bar	750
16	Wholesale general	1,000
17	Wine, beer, cordial, liqueur tasting	600

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

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

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

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

25 **6.50.380:** (A) The origination charge listed in this Section is a one time charge which is due
26 and payable at the time of filing an application for an alcoholic beverage license. Origination charges
27 are as follows:

28 . . .

License Category	Origination Charge (Dollars)
Banquet facility	20,000
Beer/wine/cooler art event on-sale	1,000
Beer/wine/cooler on-sale	2,500
Beer/wine/cooler off-sale	2,500
Beer/wine/cooler on-off sale	5,000
Brew/pub/tavern	75,000
Convention facility	75,000
Gift basket limited	1,000
Gift shop limited	4,000
Grocery store internet sale	2,500
Hotel lounge bar	40,000
Keg beer	4,000
Liquor caterer	4,000
Nonprofit club general	2,000
Nonprofit club restaurant service bar	1,000
Package	40,000
Permanent trade show facility	60,000
Restaurant service bar	30,000
Supper club	40,000
Tavern	75,000
Tavern-limited	20,000
Urban lounge	50,000
Wholesale general	10,000
Wine, beer, cordial, liqueur tasting	2,000

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

(C) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed

1 into the City, the Department shall waive the origination charge at the request of the applicant.
2 However, a license concerning which such a waiver has been granted may not be sold or transferred
3 to a third party, notwithstanding any provision of this Title to the contrary.

4 SECTION 15: Title 6, Chapter 68, Section 10, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

5 SECTION 16: 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 of
8 his average monthly sales.] pursuant to the schedule set forth in LVMC 6.04.005.

9 SECTION 17: (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 general
14 fund revenues available for providing City services, including police and fire protection; the
15 construction and maintenance of highways, streets, and other infrastructure; and recreational activities
16 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 Subsection
19 (A) of this Section.

20 SECTION 18: This Ordinance shall become effective on July 1, 2009.

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

1 SECTION 20: Whenever in this ordinance any act is prohibited or is made or declared
2 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
3 required or the failure to do any act is made or declared to be unlawful or an offense or a
4 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
5 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
6 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
7 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

8 SECTION 21: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16
17 _____
18 BEVERLY K. BRIDGES, CMC
City Clerk

19 APPROVED AS TO FORM:

20 Val Steed 5-12-09
21 Date

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 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

BUSINESS IMPACT STATEMENT

BILL NO. 2009-22

(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)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-22, that will update 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.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A copy of the proposed ordinance and an invitation to respond were provided to the Las Vegas Chamber of Commerce and other interested parties. Comments were received from the LVCC, the Nevada Tavern Owners Association, and on behalf of Bilbos Bar and Grill. A summary of those comments, which is available to interested persons as part of this business impact statement, is as follows:

- In the current state of the economy, adding new fees and increasing existing fees will be an unnecessary and ill-timed burden on the business community.
- Administrative fees and service charges, including those related to inspections, are unwarranted and burdensome.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

- New or increased fees for administrative functions
- Increase in license-related fees for certain license categories

Beneficial effects:

- Increased and better enforcement of licensing regulations because of partial cost recovery

Direct effects:

- New or increased fees for administrative functions
- Increase in license-related fees for certain license categories
- Increased and better enforcement of licensing regulations because of partial cost recovery

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

No additional methods to reduce the impact were considered or used. The City's consideration of the objections that were raised includes the following:

–Many of the administrative and enforcement functions under the City's licensing regulations have not had any cost-recovery element associated with them, or cost recovery has been insufficient. Certain services and functions the City provides that are done at the request of a licensee or license applicant, or that are occasioned by a licensee or applicant, should not have to be borne entirely by the taxpayers and should be chargeable to those who create the need or the occasion for performing the service or function. The charging of fees for these administrative and enforcement services and functions is viewed as reasonable in light of what is provided, and does not cover the City's full cost of providing the services and functions.

–Increasing and adjusting certain fee categories is justified as an attempt to partially offset the effects of inflation and the increased need to recover a portion of costs.

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

Minimal additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Approximately \$845,000

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Offset costs of administration and enforcement of licensing provisions, and provide a revenue source for the provision of general City services

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: May 12, 2009

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-23 – Updates the City’s business license fee provisions to increase the gross sales license fee; include for certain license categories annual fee adjustments based on the Consumer Price Index and the City’s growth rate; adjust license fees for certain alcoholic beverage licenses; and add provisions regarding the licensing and regulation of persons who rent or lease certain types of commercial property. Sponsored by: Councilman David W. Steinman

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City’s business license fee provisions to increase the gross sales license fee; include for certain license categories annual fee adjustments based on the Consumer Price Index and the City’s growth rate; adjust license fees for certain alcoholic beverage licenses; and add provisions regarding the licensing and regulation of persons who rent or lease certain types of commercial property. The bill is proposed to go into effect on July 1, 2009. Comments from affected business groups have been solicited and considered.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-23
2. Business Impact Statement

BILL NO. 2009-23

ORDINANCE NO. _____

AN ORDINANCE RELATING TO BUSINESS LICENSE CATEGORIES AND FEES; UPDATING THE LICENSE FEE PROVISIONS TO INCREASE THE GROSS SALES LICENSE FEE; INCLUDING ANNUAL LICENSE FEE ADJUSTMENTS FOR CERTAIN LICENSE CATEGORIES BASED ON THE CONSUMER PRICE INDEX AND THE CITY'S GROWTH RATE; ADJUSTING LICENSE FEES FOR CERTAIN ALCOHOLIC BEVERAGE LICENSES; ADDING PROVISIONS REGARDING THE LICENSING AND REGULATION OF PERSONS WHO RENT OR LEASE CERTAIN TYPES OF COMMERCIAL PROPERTY; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman David W. Steinman

Summary: Updates the City's business license fee provisions to increase the gross sales license fee; include for certain license categories annual fee adjustments based on the Consumer Price Index and the City's growth rate; adjust license fees for certain alcoholic beverage licenses; and add provisions regarding the licensing and regulation of persons who rent or lease certain types of commercial property.

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

SECTION 1: Title 6, Chapter 4, Section 5, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: Title 6, Chapter 4, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 5, reading as follows:

6.04.005: (A) Unless specifically provided otherwise in this Title, each person doing business in the City shall pay to the Department, in advance, a semiannual license fee based on the gross sales of the business. Commencing on July 1, 2009, the semiannual license fee shall be the gross sales multiplied by a percentage factor of .00075.

(B) In order to administer the provisions of this Title and provide statistical and demographic information, the Department shall have the authority to administratively create business licensing categories or classifications, with license fees based upon gross sales or gross revenue, for businesses which do not fit into existing categories or classifications.

SECTION 3: Title 6, Chapter 4, Section 20, of the Municipal Code of the City of Las

Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.04.020: (A) Persons doing business in the licensing categories described in [the sections of this Chapter that follow] LVMC 6.04.030 to 6.04.160, inclusive, shall pay in advance a semiannual or annual license fee at the [specified rates.] rates specified in those sections, subject to the annual adjustment described in Subsection (B) of this Section.

(B) At the beginning of each fiscal year commencing with July 1, 2010, each of the rates referred to in Subsection (A) of this Section shall be adjusted by multiplying that rate by the sum of:

(1) The percentage increase in the City's population; and

(2) The percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the new rate is being calculated.

➔ The adjusted rate will then become the new base rate for calculating the business license fee for the next fiscal year.

(C) For purposes of this Section:

(1) The increase in the City's population shall be as estimated by the Planning and Development Department.

(2) The applicable Consumer Price Index shall be the U. S. Consumer Price Index for All Urban Consumers (CPI-U).

SECTION 4: Title 6, Chapter 40, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 5: Title 6, Chapter 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 110, reading as follows:

6.40.110: (A) Each licensee shall pay to the Department, in advance semiannually, the license fee amounts that are set forth in the following table, subject to the annual adjustment described in Subsection (B) of this Section:

...

...

Category	Fee (Dollars)
Each bridge, whist and solo	30.00
Chemin de fer (baccarat)	500.00
Crap table	
For one table	300.00
For each table over one	500.00
Sports pool (not including race books)	200.00
Bingo	150.00, plus 3.00 for each chair provided for players
Panguingue	60.00
Race book	800.00
Racehorse information service	600.00
Keno	600.00
Each roulette, "21," hazard, faro bank, wheel of fortune and big six wheel	300.00
Slot machines	
Establishment with five or less, each machine	50.00
Establishment with more than five, each machine	60.00
Stud poker and draw poker	100.00
Slot machine operator	300.00
Any other game	100.00

(B) At the beginning of each fiscal year commencing with July 1, 2010, each of the license fee amounts referred to in Subsection (A) of this Section shall be adjusted by multiplying that fee amount by the sum of:

- (1) The percentage increase in the City's population; and
 - (2) The percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the new rate is being calculated.
- The adjusted fee amount will then become the new base amount for calculating the business license fee for the next fiscal year.

(C) For purposes of this Section:

(1) The increase in the City's population shall be as estimated by the Planning and Development Department.

(2) The applicable Consumer Price Index shall be the U. S. Consumer Price Index for All Urban Consumers (CPI-U).

SECTION 6: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 7: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 360, reading as follows:

6.50.360: (A) Each licensee shall pay to the Department, in advance, the semiannual license fees set forth in the following schedule, subject to the annual adjustment described in Subsection (B) of this Section:

License Category	Semiannual License Fee (Dollars)
Banquet facility	500
Beer/wine/cooler art event on-sale	300
Beer/wine/cooler on-sale	300
Beer/wine/cooler off-sale	300
Beer/wine/cooler on-off sale	600
Brew/pub/tavern	1,200
Convention facility	1,200
Gift basket limited	300
Gift shop limited	500
Grocery store internet sale	500
Hotel lounge bar	1,200
Keg beer	500
Liquor caterer	500
Nonprofit club general	200
Nonprofit club restaurant service bar	100
Package	750

1	Permanent trade show facility	2,400
2	Restaurant service bar	600
3	Supper club	800
4	Plus: fee for each additional bar	750
5	Tavern (one bar)	1,200
6	Plus: fee for each additional bar	900
7	Tavern-limited	800
8	Plus: fee for each additional bar	500
9	Urban lounge	1,000
10	Plus: fee for each additional bar	750
11	Wholesale general	1,000
12	Wine, beer, cordial, liqueur tasting	600

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

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

15 (B) At the beginning of each fiscal year commencing with July 1, 2010, each of the
16 license fee amounts referred to in Subsection (A) of this Section shall be adjusted by multiplying that
17 fee amount by the sum of:

- 18 (1) The percentage increase in the City's population; and
- 19 (2) The percentage increase in the Consumer Price Index for the year ending
20 on December 31 next preceding the year for which the new rate is being calculated.

21 The adjusted fee amount will then become the new base amount for calculating the business license
22 fee for the next fiscal year.

23 (C) For purposes of this Section:

- 24 (1) The increase in the City's population shall be as estimated by the
25 Planning and Development Department.
- 26 (2) The applicable Consumer Price Index shall be the U. S. Consumer Price
27 Index for All Urban Consumers (CPI-U).

28 SECTION 8: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983

1 Edition, is hereby amended by adding thereto a new chapter to consist of the provisions set forth
2 below as Sections 9 to 11, inclusive, of this Ordinance.

3 SECTION 9: No person shall engage in the business of renting or leasing property
4 that is zoned or developed for commercial use and is not utilized for residential use without first
5 obtaining and thereafter maintaining a valid unexpired license pursuant to this Title.

6 SECTION 10: (A) Except as otherwise provided in Subsection (B), each person
7 who is required to be licensed under this Chapter shall pay, in advance, a semiannual license fee
8 pursuant to the schedule set forth in LVMC 6.04.005.

9 (B) Any person who engages in the business described in Section 8 of this
10 Ordinance on behalf of another and who, by so doing, is subject to professional licensing under State
11 law, shall be licensed by the City under the applicable professional license category and shall pay the
12 applicable license fee.

13 SECTION 11: Any person subject to this Chapter who, on behalf of commercial
14 property owners, rents or leases property that is zoned or developed for commercial use and is not
15 utilized for residential use shall, upon the request of the Director, provide a list of all properties so
16 rented or leased.

17 SECTION 12: (A) The license fee increases established and provided for in this
18 Ordinance:

19 (1) Are needed in order to keep pace with inflation and to reflect increased
20 costs associated with the administration and enforcement of LVMC Title 6; and

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

25 (B) The revenue to be obtained as a result of the license fee increases referred to
26 in Subsection (A) is intended to be used for the purposes described in Paragraph (2) of Subsection (A)
27 of this Section.

28 SECTION 13: This Ordinance shall become effective on July 1, 2009.

1 SECTION 14: If any section, subsection, subdivision, paragraph, sentence, clause or
2 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
3 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
4 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
5 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
6 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
7 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
8 invalid or ineffective.

9 SECTION 15: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 16: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

20 APPROVED:

21 By _____
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 _____
25 BEVERLY K. BRIDGES, CMC
City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 5-12-09
28 Date

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 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

BUSINESS IMPACT STATEMENT

BILL NO. 2009-23

(Updates the City's business license fee provisions to increase the gross sales license fee; include for certain license fee categories annual fee adjustments based on the Consumer Price Index and the City's growth rate; adjust license fees for certain alcoholic beverage licenses; and add provisions regarding the licensing and regulation of persons who rent or lease certain types of commercial property)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-23, that will update the City's business license fee provisions to increase the gross sales license fee; include for certain license fee categories annual fee adjustments based on the Consumer Price Index and the City's growth rate; adjust license fees for certain alcoholic beverage licenses; and add provisions regarding the licensing and regulation of persons who rent or lease certain types of commercial property.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A copy of the proposed ordinance and an invitation to respond were provided to the Las Vegas Chamber of Commerce (LVCC) and other interested parties. Comments were received from the LVCC, the Nevada Tavern Owners Association, the Greater Las Vegas Association of Realtors®, Red Rock Motorcycle Sales, Inc., Thomas & Mack Company, and on behalf of Bilbos Bar and Grill. A summary of those comments, which is available to interested persons as part of this business impact statement, is as follows:

- In the current state of the economy, adding new fees and increasing existing fees will be an unnecessary and ill-timed burden on the business community.
- Imposing a gross receipts tax on the renting or leasing of commercial space will be devastating to an already fragile market segment, is an arbitrary and unjust “tax,” and will result in “double taxation” of sorts.
- Imposing an annual fee increase based on CPI and growth is too extreme, unpredictable and potentially arbitrary; is in some respects “double-dipping”; will be difficult to challenge as to the determination of the increase each year; and unreasonably goes on in perpetuity, with no mechanism or plan for review or reevaluation.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

- Increased license fees that are burdensome in difficult economic times.
- Additional burden of reporting transactions, when requested to do so, for certain persons engaged in the business of commercial rentals.

Beneficial effects:

- Increased cost recovery for licensing-related administrative and enforcement functions.
- Increased revenues by which the City can provide municipal services.

Direct effects:

- Increased license fees that are burdensome in difficult economic times.
- Increased cost recovery for licensing-related administrative and enforcement functions, and increased revenues by which the City can provide municipal services.

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

After consideration of the objections raised, it was decided not to include in the ordinance the CPI increase for gross sales licenses. No methods to reduce the other impacts were used. The City's consideration of the remaining objections includes the following:

- Fee increases have not been implemented for some time and have not kept up with inflation and other growth-related factors. The City has a relatively limited number of options to increase its revenue, given that most of the City's revenue stream is in the control of others. The fee increases and adjustments retained in the ordinance are viewed as a reasonable means of updating the City's revenue base without creating an undue burden on licensees.
- Establishing a more specific licensing and fee category for those who lease or rent commercial property will help the City capture revenue that has gone uncaptured in the past because the category was not specifically called out by ordinance.

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

Minimal additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Approximately \$556,000

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Offset costs of administration and enforcement of licensing provisions, and provide general revenues for the provision of City services

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: May 12, 2009

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

