

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 16, 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. 2009-22 – ABEYANCE ITEM - 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
4. Bill No. 2009-23 – ABEYANCE ITEM - 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
5. Bill No. 2009-24 - Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2010) Sponsored by: Step Requirement
6. Bill No. 2009-25 – Increases the regional sewer connection charge that funds the City's share of an alternate conveyance system to be built and operated by the regional Clean Water Coalition. Sponsored by: Councilman David W. Steinman
7. Bill No. Z-2009-1 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land. Proposed by: M. Margo Wheeler, Director of Planning and Development
8. 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
9. ADJOURNMENT

City of Las Vegas

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 16, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CALL TO ORDER



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ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 16, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-22 – ABEYANCE ITEM - 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. This item was held in Abeyance

RECOMMENDATION:

ABEYANCE to 6/16/2009 Recommending Committee meeting by the 6/2/2009 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 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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 16, 2009

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐ Consent ☒ Discussion**SUBJECT:**

Bill No. 2009-23 – ABEYANCE ITEM - 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:

ABEYANCE to 6/16/2009 Recommending Committee meeting by the 6/2/2009 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

1 **BILL NO. 2009-23**

2 **ORDINANCE NO. _____**

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

11 Sponsored by:
12 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.

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

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

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

20 **6.04.005:** (A) Unless specifically provided otherwise in this Title, each person doing business
21 in the City shall pay to the Department, in advance, a semiannual license fee based on the gross sales
22 of the business. Commencing on July 1, 2009, the semiannual license fee shall be the gross sales
23 multiplied by a percentage factor of .00075.

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

28 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:

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17 BEVERLY K. BRIDGES, CMC
City Clerk

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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 16, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-24 - Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2010)
Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$54,340.00

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

Levies the assessment for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane. The fiscal amount reflects the estimated maintenance costs from July, 2009 through June, 2010.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2009-24

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2010); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance) (hereinafter the "District"), to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project") as defined in Chapter 271, Nevada Revised Statutes and has provided that the entire cost and expense of the Maintenance Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

WHEREAS, the City Council has heretofore determined that the entire cost and expense of the Maintenance Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

WHEREAS, in accordance with NRS 271.360 and NRS 271.378, the City Council has heretofore determined, and does hereby declare, that the net cost of the Maintenance Project for FY2010 (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$54,340.00, of which, \$0.00 is available from other sources and of which \$54,340.00 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

WHEREAS, the City Council, by resolution heretofore adopted and directed the Director of Public Works with the assistance of the City Engineer Division (hereinafter the "Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the costs of such work to be paid by the property specially benefited, the City Council, together with the Engineer made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon; and

WHEREAS, the Engineer has reported the final assessment roll to the City Council and has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, May 20, 2009, at 9:00 a.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Maintenance Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the Engineer has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Maintenance Project in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, May 20, 2009, at 9:00 a.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on April 15, 2009; and

WHEREAS, the City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing on May 20, 2009, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1485 (FY2010) Assessment Protest Resolution; and

WHEREAS, by the District No. 1485 (FY2010) Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor the total cost of the Maintenance Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Maintenance Project, with funds completely derived from the levy of assessments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1485 (FY2010) Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1485 (FY2010) Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2010) including, but not limited to, the creation of the District, the amount of the maintenance contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value

increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Maintenance Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Maintenance Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on April 15, 2009, and as modified and confirmed by the District No. 1485 (FY2010) Assessment Protest Resolution duly adopted by the City Council on June 3, 2009.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided that all or any part of such assessments may, at the election of the owner, be paid in installments, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in four (4) substantially equal quarterly installments of principal until paid in full, without interest, payable at the office of the City Treasurer on July 24, 2009, October 1, 2009, January 1, 2010 and April 1, 2010. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The

owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. June 21, 2009) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal, penalties, and collection costs).

Section 7. Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Council may require the City Treasurer to apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.625. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher or his designee and filed with the City Clerk of the City. In accordance with NRS 271.390(2) the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her

last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments have been paid in full or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
LANDSCAPE MAINTENANCE IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE
MAINTENANCE FY2010)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1485 (FY2010) Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on June 17, 2009. The Levy Ordinance levied and assessed the cost and expense of landscape maintenance against the lots, tracts and parcels of land specially benefited by the maintenance in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer in Las Vegas, Nevada, on or before July 21, 2009, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, without interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in four (4) substantially equal quarterly installments of principal until paid in full, being payable at the office of the City Treasurer in Las Vegas, Nevada, on July 24, 2009, October 1, 2009, January 1, 2010, and April 1, 2010. Failure to pay any assessment installment when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal will, after such delinquency, whether the City's option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent

installments originally becoming due on or before the date of payment, and all penalty interest accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from June 21, 2009, (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this June 17, 2009.

Beverly K. Bridges, CMC, City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before June 17, 2009, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE FY2010) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 3rd of June, 2009, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 17th of June, 2009.

/s/ Beverly K. Bridges, CMC
City Clerk

(End of Form)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2010); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on June 3, 2009, and was passed at a regular meeting held on June 17, 2009, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
David W. Steinman

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after June 21, 2009, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This 17th of June, 2009

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:
/s/ BEVERLY K. BRIDGES, CMC
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced June 3, 2009, PASSED, ADOPTED AND APPROVED June 17, 2009.

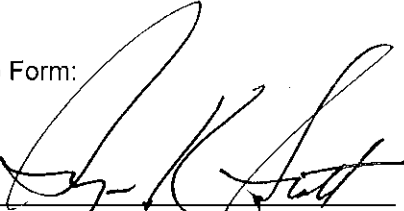
OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC, City Clerk

Approved as to Form:

5/19/09
Date


Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, CMC, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on June 3, 2009, and finally adopted and approved on June 17, 2009.

2. The following members of the City Council were present at the June 3, 2009, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	David W. Steinman

3. The foregoing Ordinance was first proposed and read by title to the City Council on June 3, 2009, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on June 17, 2009, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the June 17, 2009, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	David W. Steinman

Those Voting Nay:	_____

Those Absent:	_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on June 3, 2009, and June 17, 2009. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada
- (v) The City of Las Vegas Website

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on June 3, 2009, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on June 17, 2009, is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this June 17, 2009.

(SEAL)

BEVERLY K. BRIDGES, CMC, City Clerk

EXHIBIT A

(Attach Copy of Notice of June 3, 2009 Meeting)

EXHIBIT B

(Attach Copy of Notice of June 17, 2009 Meeting)

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: JUNE 16, 2009****DEPARTMENT: CITY ATTORNEY****DIRECTOR: BRADFORD R. JERBIC**☐ Consent ☒ Discussion**SUBJECT:**

Bill No. 2009-25 – Increases the regional sewer connection charge that funds the City's share of an alternate conveyance system to be built and operated by the regional Clean Water Coalition. Sponsored by: Councilman David W. Steinman

Fiscal Impact☒**No Impact**☐**Augmentation Required**☐**Budget Funds Available****Amount:****Funding Source:****Dept./Division:****PURPOSE/BACKGROUND:**

In 2006, the City Council adopted a regional sewer connection charge to fund the City's share of the Systems Conveyance and Operations Program, a conveyance system intended to assure a certain water quality level of the Las Vegas Wash and Lake Mead. By ordinance, that connection charge is subject to periodic adjustment in order to account for inflation and increased costs. This ordinance will establish the fee schedule for the next three years, incorporating a 1.5% increase each six months over that period. Notice of the proposed increase was published in the newspaper and a public hearing was held at the Council meeting of May 20, 2009.

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. 2009-25
2. Business Impact Statement

1 **BILL NO. 2009-25**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO INCREASE THE REGIONAL SEWER CONNECTION CHARGE THAT
4 FUNDS THE CITY'S SHARE OF AN ALTERNATE CONVEYANCE SYSTEM TO BE BUILT
5 AND OPERATED BY THE REGIONAL CLEAN WATER COALITION, AND TO PROVIDE FOR
6 OTHER RELATED MATTERS.

7 Sponsored by: Councilman David W. Steinman

Summary: Increases the regional sewer
connection charge that funds the City's share of
an alternate conveyance system to be built and
operated by the regional Clean Water Coalition.

8
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Title 14, Chapter 4, Section 320, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **14.04.320:** Subject to the provisions of Section 14.04.330, a regional sewer connection charge
14 shall be imposed on development within the City, [on and after October 1, 2006,] to be determined
15 as follows:

16 (A) For users other than large commercial users:

- 17 (1) Customer class of user is determined;
18 (2) Number of ERUs for user is determined;
19 (3) The regional sewer connection charge is calculated by multiplying the
20 applicable number of ERUs, commencing on:

- 21 [(a) October 1, 2006, by four hundred dollars;
22 (b) July 1, 2007, by eight hundred twelve dollars;
23 (c) January 1, 2008, by eight hundred twenty-four dollars;
24 (d) July 1, 2008, by eight hundred thirty-six dollars; and
25 (e) January 1, 2009, by eight hundred forty-nine dollars.]
26 (a) July 1, 2009, by eight hundred sixty-one dollars;
27 (b) January 1, 2010, by eight hundred seventy-four dollars;
28 (c) July 1, 2010, by eight hundred eighty-seven dollars;

- 1 (d) January 1, 2011, by nine hundred one dollars;
- 2 (e) July 1, 2011, by nine hundred fourteen dollars; and
- 3 (f) January 1, 2012, by nine hundred twenty-eight dollars.

4 (B) For large commercial users, the regional sewer connection charge is determined
5 by taking eighty-five percent of the estimated annual water usage, dividing by ninety thousand gallons,
6 and multiplying by the single family residence charge [(e.g., \$400 for the initial charge, \$812 as of July
7 1, 2007, \$824 as of January 1, 2008, \$836 as of July 1, 2008, \$849 as of January 1, 2009).], which is
8 the applicable charge set forth in Paragraph (3) of Subsection (A) of this Section.

9 SECTION 2: This Ordinance shall become effective on July 1, 2009.

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

18 ...
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1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

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

5 APPROVED:

6
7 By _____
 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 _____
11 BEVERLY K. BRIDGES, CMC
12 City Clerk

11 APPROVED AS TO FORM:

12 *Valsted* 5-20-09

 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: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

BUSINESS IMPACT STATEMENT

BILL NO. 2009-25

(Increases the regional sewer connection charge that funds the City's share of an alternate conveyance system to be built and operated by the regional Clean Water Coalition)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-25, that will increase the regional sewer connection charge that funds the City's share of an alternate conveyance system to be built and operated by the regional Clean Water Coalition (CWC).

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.

The Clean Water Coalition, on behalf of the cities of Las Vegas and North Las Vegas, published a notice regarding the proposed connection charge increase in the Las Vegas Review-Journal on the following dates: April 3, April 4 and April 5, 2009. No comments were received by the City in response.

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 costs of establishing business operations subject to the charge.

Beneficial effects:

Long-term benefits of contributing to improved water quality.

Direct effects:

Increased costs of establishing business operations subject to the charge.

Indirect effects:

Long-term benefits of contributing to improved water quality.

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:

None

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

No 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:

Unknown, to depend on the development of new business. Estimated at \$50,000.

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:

Meet the City's obligations to CWC regarding the City's share of the costs of the alternate water conveyance system.

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 20, 2009

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 16, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. Z-2009-1 – Amends the City’s Official Zoning Map Atlas by changing the zoning designations of certain parcels of land. Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the zoning map to change the zoning designations of approximately 180 parcels. The rezoning of these parcels has already been approved by the City Council. This bill merely formalizes the rezoning by ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. Z-2009-1

BILL NO. Z-2009-1

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ATLAS OF THE CITY OF LAS VEGAS BY CHANGING THE ZONING DESIGNATIONS OF CERTAIN PARCELS OF LAND, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler,
Director of Planning and Development

Summary: Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land.

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

SECTION 1: The Official Zoning Map Atlas of the City of Las Vegas, as adopted in Title 19, Chapter 2, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by changing the zoning designations for the parcels of land listed in the attached document. The parcels of land have been approved for rezoning by vote of the City Council or by means of a resolution of intent to rezone pursuant to applicable zoning regulations. In each case the conditions of rezoning have been fulfilled, and changing the corresponding zoning designations on the Official Zoning Map Atlas is now indicated. On the attached document, the parcels are listed by Assessor's Parcel Number. The attached document shows, for each parcel, the zoning designation currently shown on the Official Zoning Map Atlas (indicated as "Current Zoning") and the new zoning designation to be shown for the parcel (indicated as "New Zoning").

SECTION 2: The Planning and Development Department is authorized and directed to make such changes to the Official Zoning Map Atlas as are necessary to reflect the amendments described in Section 1 of this Ordinance. In accordance with LVMC 19.02.010, the Official Zoning Map Atlas is stored and maintained in the offices of the Planning and Development Department.

SECTION 3: Of the parcels referred to in Section 1 of this Ordinance whose rezoning was approved by means of a resolution of intent to rezone, few if any of those resolutions have been reduced to writing—as was the practice previously. All actions and proceedings by the City concerning the rezoning of those parcels are hereby ratified, approved and confirmed as if the resolutions of intent had been reduced to writing, and the City Council deems that no additional action in that regard is necessary.

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

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

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Valsted 5-20-09
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:
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17 BEVERLY K. BRIDGES, CMC
18 City Clerk
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PARCEL	CURRENT ZONING	NEW ZONING
12518201008	U(PCD)	PD
12524503001	R-E	R-1
12524503002	R-E	R-1
12524503004	R-E	R-1
12524503008	R-E	R-1
12524503009	R-E	R-1
12524503011	R-E	R-1
12524503017	R-E	R-1
12524602001	R-E	R-1
12524701042	R-E	R-3
12524701043	R-E	R-3
12524701044	R-E	R-3
12524701045	R-E	R-3
12527502003	R-E	R-1
12527802016	R-E and U (O)	P-R
12528801014	R-E	P-R
12528801016	R-E	P-R
12528801018	R-E	P-R
12601702007	U(SC)	C-1
12624610004	U(PCD)	PD
12625111000	PD	R-4
13712101008	U(PCD)	C-V
13712410011	U(PCD)	PD
13712410012	U(PCD)	PD
13712501020	U(PROD)	PD
13802102007	R-E	C-1
13802102009	R-E	C-1
13803612002	U(SC)	C-1
13803701003	U(SC)	C-1
13803701021	O	R-4
13807201001	U(PCD)	PD
13807201002	U(PCD)	PD
13807301004	U(PCD)	PD
13807401001	U(PROD)	PD
13807801011	U(O)	O
13812202002	C-2	R-3
13814501007	U(SC)	C-1
13822102004	U(O)	P-R
13823110032	U(SC)	P-R
13823720007	R-E	C-1
13824511012	R-E	C-1
13824511059	U(SC)	C-1
13824703006	U(GC)	C-1
13824801027	O, R-D	C-1
13827802001	U(SC)	C-1
13827802004	U(SC)	C-1

PARCEL	CURRENT ZONING	NEW ZONING
13836112005	R-1	P-R
13836210019	R-1	P-R
13836316007	R-1	P-R
13836401001	R-1	P-R
13836401003	R-1	P-R
13836406008	R-1	C-1
13836803016	R-1	C-1
13919301002	R-E	C-1
13921510007	C-1	C-V
13921510073	C-2	C-V
13921510074	C-2	C-V
13921804008	R-3	C-1
13922301002	R-3	M
13922313004	R-3	R-1
13922313005	R-3	R-1
13922313006	R-3	R-1
13922313007	R-3	R-1
13922313008	R-3	R-1
13922313009	R-3	R-1
13922313010	R-3	R-1
13925301001	R-E	R-3
13925410007	R-E	R-3
13925410019	R-E	R-3
13925410021	R-E	R-3
13925410022	R-E	R-3
13925410023	R-E	R-3
13925410024	R-E	R-3
13925410025	R-E	R-3
13925410042	R-E	R-3
13925410043	R-E	R-3
13926508016	C-2	R-3
13927110014	R-3	C-1
13927110039	R-4	C-2
13927210110	R-4	C-V
13927602003	R-3	C-1
13927602004	R-3	C-1
13927603014	R-3	C-V
13927707006	C-M	C-1
13927707007	C-M	C-1
13927707008	C-M	C-1
13927712046	R-2	C-1
13927712047	R-2	C-1
13927712048	R-2	C-1
13927712049	R-2	C-1
13927712050	R-2	C-1
13927712051	R-2	C-1

PARCEL	CURRENT ZONING	NEW ZONING
13927712053	R-2	C-1
13927712054	R-2	C-1
13927810001	C-M	C-1
13927810002	R-2	C-1
13927810003	R-2	C-1
13927810004	R-2	C-1
13928302034	C-1 and R-3	C-2
13928304001	R-E	C-1
13928401029	C-2	C-M
13928401031	C-2	C-M
13928401033	R-E	C-2
13929111006	R-1	P-R
13929801010	R-1	O
13934303002	C-1	C-2
13934310032	R-4	C-2
13934310038	R-4	C-2
13934311012	R-4	C-2
13934311013	R-4	C-2
13934311020	R-4	C-2
13934311021	R-4	C-2
13934311025	R-4	C-2
13934311030	R-4	C-2
13934311058	R-4	C-2
13934311060	R-4	C-2
13934311061	R-4	C-2
13934311062	R-4	C-2
13934311063	R-4	C-2
13934311064	R-4	C-2
13934401014	R-4	C-2
13934410045	R-4	C-2
13934410049	R-4	C-2
13934410050	R-4	C-2
13934410054	R-4	C-2
13934410055	R-4	C-2
13934410057	R-4	C-2
13934410059	R-4	C-2
13934410061	R-4	C-2
13934410067	R-4	C-2
13934410068	R-4	C-2
13934410069	R-4	C-2
13934410079	R-4	C-2
13934410080	R-4	C-2
13934410081	R-4	C-2
13934410083	R-4	C-2
13934410084	R-4	C-2

PARCEL	CURRENT ZONING	NEW ZONING
13934410088	R-4	C-2
13934410099	R-4	C-2
13934410106	R-4	C-2
13934410107	R-4	C-2
13934410131	R-4	C-2
13934410132	R-4	C-2
13934410142	C-1	C-2
13934410143	C-1	C-2
13934410144	C-1	C-2
13934410220	R-4	P-R
13934710030	R-3	C-1
13934710031	R-3	C-1
13934710032	R-3	C-1
13934710033	R-3	C-1
13934810050	R-1	P-R
13935201002	R-3	R-5
14029212006	R-E	C-1
14029212009	R-E	C-1
14029502001	C-2	C-1
14030601003	R-E	R-MHP
14030601006	R-E	R-2
14030802007	R-E	R-5
14031303003	R-1	R-MHP
14031812020	R-1	P-R
14032502002	R-MHP	R-5
16201210039	R-1	P-R
16202410118	R-2	C-1
16202613010	R-1	P-R
16203110011	R-4	C-1
16203110031	R-4	C-1
16203110032	R-4	C-1
16203110033	R-4	C-1
16203115001	C-2, C-1 and P-R	C-1
15203514021	R-1	P-R
16203801135	C-V	O
16204110016	R-1	P-R
16204111001	R-1	P-R
16204813044	R-4	C-2
16204813045	R-4	C-2
16204813046	R-4	C-2
16204813047	R-4	C-2
16204813048	R-4	C-2
16204813049	R-4	C-2
16208418002	M	C-1
16301201006	O	C-1

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 16, 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 16, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

