

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
JULY 19, 2011
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.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED AT THE DISCRETION OF THE COMMITTEE; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED 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. PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME FORWARD AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED
4. Bill No. 2011-28 - Updates the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors. Proposed by: Flinn Fagg, Director of Planning
5. Bill No. 2011-29 - Updates Chapter 6.06 of the Municipal Code relating to privileged licenses. Proposed by: Flinn Fagg, Director of Planning
6. Bill No. 2011-30 - Readopts LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City. Proposed by: Bradford R. Jerbic, City Attorney
7. 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

City of Las Vegas

8. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Thursday, 7:00 A.M. to 5:30 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: JULY 19, 2011

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 19, 2011

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 19, 2011

SUBJECT:

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JULY 19, 2011

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2011-28 - Updates the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors. Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's regulations pertaining to mobile food vendors to conform to other applicable regulations, including the City's zoning regulations and the regulations of the Southern Nevada Health District.

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. 2011-28
2. Business Impact Statement



1 **BILL NO. 2011-28**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S REGULATIONS PERTAINING TO MOBILE FOOD
4 VENDORS TO CONFORM TO OTHER APPLICABLE REGULATIONS REGARDING THE
5 OPERATIONAL LIMITATIONS FOR SUCH VENDORS, AND TO PROVIDE FOR OTHER
6 RELATED MATTERS.

7 Proposed by: Flinn Fagg, Director of Planning

8 Summary: Updates the City's regulations
9 pertaining to mobile food vendors to conform to
10 other applicable regulations regarding the
11 operational limitations for such vendors.

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

14 SECTION 1: Title 6, Chapter 55, Section 10, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.55.010:** As used in this Chapter, unless the context otherwise requires, the following terms shall
17 have the meanings which are ascribed to them, as follows:

18 [(A)] "Employee" means a person who works for or under the direction of, on behalf of, or
19 as an agent of a licensee.

20 [(B)] "Health District" means the Southern Nevada Health District.

21 [(C)] "Mobile food vendor" means a person who offers for sale or sells food items by means
22 of a vehicle.

23 [(D)] "Licensee" means the holder of an mobile food vendor business license issued by the
24 Department.

25 [(E)] "Metro" means the Las Vegas Metropolitan Police Department.

26 [(F)] "Vehicle" means a motorized [or non-motorized vehicle, including a push cart or other
27 similar] vehicle.

28 [(G)] "Vend" means to sell or offer to sell food products from a vehicle.

SECTION 2: Title 6, Chapter 55, Section 40, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.55.040: (A) An application for a mobile food vendor license must be made upon forms

1 provided by the Department. In addition to the information required under LVMC Chapter 6.02, the
2 applicant shall provide the following:

3 (1) A description of the selling methods to be used and the nature of the
4 products or services to be offered;

5 (2) Proof of filing with the State of Nevada Department of Taxation;

6 (3) A health permit for each vehicle, documentation that the vehicle is
7 eligible for such permit, and a health card for each operator (all issued by the Health District);

8 (4) A copy of a valid, unexpired Nevada vehicle registration, if applicable,
9 for each vehicle; and

10 (5) Such other information or documentation as the Department may require
11 in order to establish the applicant's suitability and fitness for approval.

12 (B) In order to obtain a mobile food vendor license, each principal of the business
13 must apply for and obtain approval for suitability in accordance with LVMC Chapter 6.06, subject to
14 the payment of [an investigative fee of fifty dollars.] the applicable fees.

15 SECTION 3: Title 6, Chapter 55, Section 70, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.55.070:** (A) Except as otherwise provided in Subsection (B) of this Section, no mobile food
18 vendor shall:

19 (1) Have any exclusive right to any location upon the streets, sidewalks,
20 alleys, or public grounds of the City; or

21 (2) [Vend at any location for a period greater than thirty minutes; or

22 (3)] Vend in any congested area where the operation will impede pedestrian
23 or vehicle traffic.

24 (B) The provisions of Subsection (A) of this Section do not apply to the operation
25 of a mobile food vendor at a particular location if and to the extent the vendor is operating at that
26 location pursuant to a contractual arrangement with the City.

27 (C) Mobile food vendors shall comply with all applicable Health District
28 regulations.

1 SECTION 4: Title 6, Chapter 55, Section 130, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

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

11 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
13 required or the failure to do any act is made or declared to be unlawful or an offense or a
14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 7: 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 _____, 2011.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-20-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, 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 _____, 2011, 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 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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**BUSINESS IMPACT STATEMENT
BILL NO. 2011-28**

(Updates the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-28, that would update the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors.

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

No comments were solicited. The ordinance is clarifying in nature and should have no different impact on vendors than existing provisions

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

Adverse effects:

None identified

Beneficial effects:

Conforms language to other regulations and to existing practice

Direct effects:

None identified

Indirect effects:

None identified

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

Not applicable

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

No additional cost

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

Not applicable

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:

Not applicable

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: June 20, 2011

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 19, 2011

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2011-29 - Updates Chapter 6.06 of the Municipal Code relating to privileged licenses.
Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

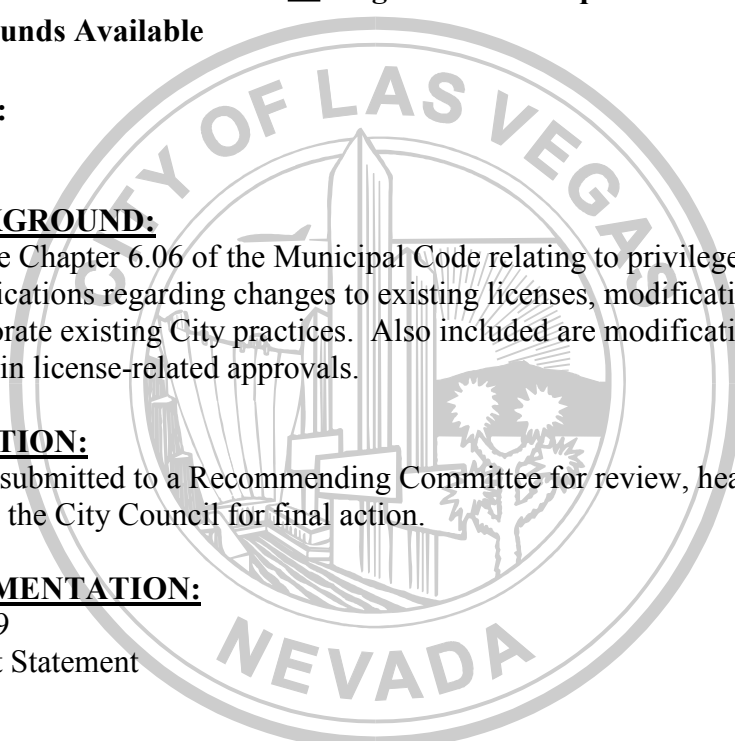
This bill will update Chapter 6.06 of the Municipal Code relating to privileged licenses. Included are modifications regarding changes to existing licenses, modifications that are designed to incorporate existing City practices. Also included are modifications that streamline the process of certain license-related approvals.

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. 2011-29
2. Business Impact Statement



1 **BILL NO. 2011-29**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE CHAPTER 6.06 OF THE MUNICIPAL CODE RELATING TO
4 PRIVILEGED LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Flinn Fagg, Director of Planning Summary: Updates Chapter 6.06 of the
6 Municipal Code relating to privileged licenses.

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

9 SECTION 1: Title 6, Chapter 6, Section 50, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

11 SECTION 2: Title 6, Chapter 6, Section 70, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.06.070:** (A) The application for approval for suitability shall be filed with the Department
14 [of Business Activity] on forms acceptable to the Department. The applicant shall furnish all the
15 information required by the Department, including but not limited to:

- 16 (1) The applicant's personal and family history;
- 17 (2) If requested by the Department, [The] the applicant's present and past
18 financial position and history;
- 19 (3) The applicant's criminal history and civil and administrative litigation
20 history;
- 21 (4) The applicant's education, training, employment, business and
22 professional history; and
- 23 (5) The applicant's past and proposed affiliation with the licensee.

24 (B) The Department is authorized to require disclosure of any information that
25 reasonably relates to the applicant's qualification, acceptability or fitness for an approval for
26 suitability.

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

1 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

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

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

11 (1) Adult nightclub establishment;

12 (2) Alcoholic beverage;

13 (3) Burglar alarm services;

14 (4) [Child care facility;

15 (5)] Erotic dance establishment;

16 [(6)] (5) Gaming;

17 [(7)] (6) Ice cream truck;

18 [(8)] (7) Locksmith and safe mechanic;

19 [(9)] (8) Martial arts instruction;

20 [(10)] (9) Massage establishment;

21 [(11)] (10) Mobile food vendor;

22 [(12)] (11) Pawnbroker;

23 [(13)] (12) Psychic arts and science;

24 [(14)] (13) Reflexology;

25 [(15)] (14) Secondhand dealer;

26 [(16)] (15) Teenage dancehall or teenage nightclub; and

27 [(17)] (16) Wedding chapel.

28 (D) In the case of the license categories listed in Subsection (C) of this Section,

1 applicants are required to submit to fingerprinting for purposes of a fingerprint check through the
2 Federal Bureau of Investigation (FBI). In each such case:

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

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

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

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

14 SECTION 4: Title 6, Chapter 6, Section 110, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.06.110:** (A) Except as otherwise provided in Subsection (B), [After] after receipt of [the]
17 a completed application for a license or approval for suitability, the Director shall refer the [matter]
18 application to Metro for investigation.

19 (B) The Director shall have the discretion not to refer an application to Metro if the
20 applicant has been investigated by Metro in connection with licensing or suitability approval within
21 one year before the application was submitted, or if the Director otherwise determines that such
22 referral is not necessary or appropriate.

23 (C) Upon completion of [the] any investigation[,] or a determination made pursuant
24 to Subsection (B), the Director shall submit the application to the City Council for its [actions.] action.

25 (D) In the event the City Council has issued a temporary license pursuant to this
26 Chapter[,] pending an investigation by Metro, the Director may, upon receipt of Metro's completed
27 investigation, submit the application for a license to the City Council for its action at any time prior
28 to the expiration of the temporary license.

1 SECTION 5: Title 6, Chapter 6, Section 125, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.06.125:** (A) Once initial approval for suitability [has been made] regarding principals of a
4 particular licensee has been granted by the City Council, subsequent applications for approval for
5 suitability regarding that licensee may be referred by the Director to Metro for investigation.

6 (B) Upon completion of Metro's investigation, if any, the Director may take such
7 action as deemed appropriate, including approval, conditional approval or denial of the application
8 for approval for suitability.

9 (C) An applicant may appeal the decision of the Director in accordance with the
10 provisions of LVMC 6.02.110.

11 SECTION 6: Title 6, Chapter 6, Section 130, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.06.130:** [Notwithstanding Section 6.06.050, the] The Director may waive for one or more
14 principals [from] the requirement of approval for suitability, provided that at least one principal other
15 than a manager must be subject to the requirement of an approval for suitability. Any principal [who]
16 for whom the requirement has been so waived may later be required at the discretion of the Director
17 to apply and be found suitable in order to continue his or her association with the business.

18 SECTION 7: Title 6, Chapter 6, Section 200, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.06.200:** (A) The applicant has a continuing duty and obligation to notify the Department [in
21 writing within fifteen days] of additions, deletions, changes or modifications in the information
22 furnished the Department, and this duty continues as long as a valid license or approval for suitability
23 remains in effect. Such notification must be given at least fifteen days in advance of such additions,
24 deletions, changes or modifications where it possible to do so. Otherwise, notification must be given
25 as soon as possible and in no event later than fifteen days following the addition, deletion, change or
26 modification.

27 (B) [The Director shall send a written notice requiring that an application for a new
28 business license be filed by a licensee if the Director determines that the reported changes in the

1 information from that contained in the licensee's original application or subsequent information
2 updates constitutes a substantial change in the business operations from those originally or
3 subsequently approved.

4 (C) A licensee shall file a new business license application with the Department,
5 within fifteen days after receiving the Director's written request. Upon receipt of the new application,
6 the Director shall place it on the next available City Council agenda for review and action, subject to
7 the requirements of the Nevada open meeting law.] The notification required by Subsection (A) shall
8 be in the form of a new business license application filed with the Department. Upon receipt of an
9 application, the Department shall determine whether the changes can be approved by administrative
10 action or whether action by the City Council is required pursuant to LVMC 6.06.210. If Council
11 action is required, the application will be placed on the next available Council agenda following the
12 completion of all necessary reviews by City departments and outside agencies.

13 [(D)] (C) In cases where a licensee has significantly altered its business operations, [The]
14 the Director may require a licensee to suspend its [altered business] operations until the City Council
15 has acted upon [a] the licensee's new license application. [Notice of the suspension shall be included
16 in the notice required pursuant to Subsection (B) of this Section.]

17 [(E)] (D) A licensee shall not continue or resume its altered operations if the City Council
18 finds that [they are] the licensee is in violation of the provisions of LVMC 6.02.090 and 6.02.330
19 through 6.02.350, or for other good cause [they] finds that continued business operations should not
20 be permitted.

21 SECTION 8: Title 6, Chapter 6, Section 210, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.06.210:** Prior approval must be obtained [from the City Council] for a licensee or [a holder of
24 approval] person approved for suitability to do any of the following acts:

25 (A) Convey the license from one person to another[;] or establish the license in a
26 different entity;

27 (B) [Change the location of a license from one premises to another premises within
28 the City limits;

- 1 (C) Change the name of the business operating under a license; or
2 (D)] Transfer any ownership interest or voting control to a person who, because of
3 the transfer, would be required to be approved for suitability[.] ;

4 (C) Alter the licensed business operations in a significant way from the operations
5 previously approved;

6 (D) Change the location of a license from one premises to another premises within
7 the City limits;

8 (E) Change the name of the business operating under a license.

9 Such prior approval may be granted by the Director in the case of the changes described in Subsections
10 (D) and (E), but must be granted by the City Council otherwise.

11 SECTION 9: Title 6, Chapter 6, Section 230, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

13 SECTION 10: Title 6, Chapter 6, Section 240, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.06.240:** Each licensee must notify the Department [of Finance and Business Services] at least
16 thirty days prior to transferring or recognizing the transfer of any ownership interest or voting control
17 which results in a person acquiring an ownership interest or voting control equal to or greater than ten
18 percent of the entire ownership in or voting control of the licensee or prior to subjecting any of its
19 assets, income or revenue to any security interest or other encumbrance.

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

22 **6.06.250:** (A) A licensee may be subject to disciplinary action as set forth in Sections 6.02.330
23 through 6.02.360.

24 (B) A principal approved for suitability may be subject to disciplinary action by the
25 City Council for good cause, which may include, but is not limited to:

26 (1) The application is incomplete or contains false, misleading or fraudulent
27 statements with respect to any information required in the application;

28 (2) The principal fails to satisfy any qualification or requirement imposed

1 by this Code, or other local, State or Federal law or regulation pertaining to the particular approval for
2 suitability sought or held;

3 (3) The principal illegally resides in the United States;

4 (4) The principal is or has engaged in a business, trade or profession without
5 a valid license, permit, approval for suitability or work card when he knew that one was required or
6 under such circumstances that he reasonably should have known one was required;

7 (5) The principal has been subject, in any jurisdiction, to disciplinary
8 action of any kind against a license, permit, approval for suitability or work card to the extent that such
9 disciplinary action reflects on the qualification, acceptability or fitness to be approved for suitability;

10 (6) The principal has committed acts which would constitute a crime
11 involving moral turpitude or involving any Federal, State or local law or regulation relating to the
12 same or a similar business[;]. For purposes of this Paragraph, a crime involving moral turpitude is one
13 that necessarily involves any of the following: an intent to defraud; intentional dishonesty for personal
14 gain; intentional causing of serious injury to another person; the sale of narcotics or possession of
15 narcotics with intent to sell; or a sexual offense as described in NRS 179D.097;

16 (7) When substantial information exists which tends to show that the
17 principal is dishonest or corrupt;

18 (8) The principal lacks sufficient financial, technical or educational ability
19 or experience to conduct or perform the activity for which approval for suitability is sought;

20 (9) The principal, or his or her employees or those acting on their behalf,
21 violates any condition upon which approval for suitability was granted;

22 (10) The principal has engaged in deceptive practices upon the public; or

23 (11) The principal suffers from a legal disability under the laws of the State.

24 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

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

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

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

14 PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

15 APPROVED:
16 By _____
17 CAROLYN G. GOODMAN, Mayor

18 ATTEST:
19 _____
20 BEVERLY K. BRIDGES, MMC
21 City Clerk

22 APPROVED AS TO FORM:
23 _____
24 *Val Steel* 6/22/11
25 _____
26 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, 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 _____, 2011, 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 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2011-29
(Updates Chapter 6.06 of the Municipal Code relating to privileged licenses)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-29, that would update Chapter 6.06 of the Municipal Code relating to privileged licenses.

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

No comments were solicited. The ordinance is primarily clarifying and simplifying in nature, with a number of provisions being amended to conform to current practice

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

Adverse effects:

None identified

Beneficial effects:

Some licensing-related processes are simplified and expedited

Direct effects:

Some licensing-related processes are simplified and expedited

Indirect effects:

None identified

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

Not applicable

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

No additional cost

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

Not applicable

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:

Not applicable

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: June 20, 2011

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 19, 2011

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2011-30 - Readopts LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Pursuant to LVMC 10.02.010, any offense that constitutes a misdemeanor under State law is also a misdemeanor under City law if it is committed within the corporate boundaries of the City. This permits prosecution of such an offense in Municipal Court. In order to assure that LVMC 10.02.010 is interpreted to incorporate State-law changes made during the 76th Session of the Nevada Legislature, LVMC 10.02.010 should be readopted. This bill will accomplish that objective.

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. 2011-30
2. Business Impact Statement

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BILL NO. 2011-30

ORDINANCE NO. _____

AN ORDINANCE TO READOPT THE MUNICIPAL CODE PROVISION MAKING STATE-LAW MISDEMEANORS CITY MISDEMEANORS IF COMMITTED WITHIN THE CITY.

Proposed by: Bradford R. Jerbic, City Attorney Summary: Readopts LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City.

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

WHEREAS, the Charter of the City of Las Vegas declares that any offense made a misdemeanor by the laws of the State of Nevada shall also be a misdemeanor in the City of Las Vegas whenever such offense is committed within the boundaries of the City; and

WHEREAS, the City Council has reaffirmed that declaration by means of the adoption of LVMC 10.02.010; and

WHEREAS, a number of criminal laws were enacted or amended by the Nevada Legislature during its 76th Session, some of which became effective upon passage and approval, and others of which become effective upon October 1, 2011, or upon some other date specified within those laws; and

WHEREAS, the City Council desires by this Ordinance to readopt LVMC 10.02.010 to include within its purview, to the extent affirmative action to do so is necessary, all the State misdemeanor laws which have been enacted by the Nevada State Legislature.

NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

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SECTION 1: Title 10, Chapter 2, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby readopted.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, 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 _____, 2011, 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: _____

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12 APPROVED:
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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:
16
17 _____
BEVERLY K. BRIDGES, MMC
City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2011-30
(Readopts LVMC 10.02.010 to make State misdemeanors
City misdemeanors if committed within the City)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-30, that would readopt LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City.

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.

Not applicable

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

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

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

Not applicable

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

No additional cost

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

Not applicable

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:

Not applicable

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: June 20, 2011

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 19, 2011

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: JULY 19, 2011

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

