

1 **BILL NO. 2013-33**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S BUSINESS LICENSING PROVISIONS TO PERMIT
4 CERTAIN TYPES OF BUSINESSES TO RECEIVE A MULTI-JURISDICTIONAL BUSINESS
5 LICENSE, ADOPTING PROVISIONS REGARDING THE SUSPENSION OR REVOCATION OF
6 SUCH A LICENSE, CONSOLIDATING CERTAIN LICENSING CATEGORIES IN CONNECTION
7 WITH ESTABLISHING THE MULTI-JURISDICTIONAL BUSINESS LICENSE, AND
8 PROVIDING FOR OTHER RELATED MATTERS.

9 Sponsored by: Councilman Steven D. Ross

Summary: Updates the City's business licensing provisions to permit certain types of businesses to receive a multi-jurisdictional business license, adopts provisions regarding the suspension or revocation of such a license, and consolidates certain licensing categories in connection with establishing the multi-jurisdictional business license.

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

14 SECTION 1: Title 6, Chapter 2, Section 60, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.02.060:** (A) It is unlawful for any person to:

17 (1) Commence, institute, advertise, aid, carry on, engage in or continue in
18 the City any business without a valid unexpired license issued pursuant to this Code;

19 (2) Cause, encourage, allow or permit another, on that person's behalf, to
20 commence, institute, advertise, aid, carry on, engage in or continue in the City any business without
21 a valid unexpired license issued pursuant to this Code; or

22 (3) Commence, institute, advertise, aid, conduct, manage or carry on, either
23 permanently or temporarily, any business of any other person if the person who commences, institutes,
24 advertises, aids, conducts, manages or carries on such business knows or should know that such other
25 person is not licensed under this Title to commence, institute, advertise, aid, conduct, manage or carry
26 on such business.

27 (B) Each day or portion thereof in which a violation of any provision of Subsection
28 (A) of this Section is committed, continued or permitted constitutes a separate offense.

1 (C) All licenses issued under this Chapter:

2 (1) Shall be conditioned upon the obligation of the applicant, the licensee,
3 the principal, their employees and those acting on their behalf to refrain from exercising deliberate
4 ignorance toward any private nuisance, public nuisance or chronic nuisance activity occurring at, or
5 arising from, the business location or activity, and to timely abate such nuisances. Deliberate
6 ignorance is exhibited by intentional or criminally negligent disregard of the offending condition or
7 activity. Deliberate ignorance is done in a criminally negligent manner if it jeopardizes another's
8 health, safety or welfare; interferes with the objectively reasonable use and enjoyment of adjacent
9 property or any public property; or has a detrimental effect upon adjacent property values; and

10 (2) May also be conditioned upon the licensee posting a bond in an amount
11 determined by the Director to be reasonably appropriate to guarantee the performance or fulfillment
12 of all conditions, or compliance with all restrictions, imposed upon the license, licensee, applicant or
13 its principal(s).

14 (D) A multi-jurisdictional license may be issued within specifically-identified
15 categories to those businesses whose intent is to operate in more than one licensing jurisdiction within
16 the Southern Nevada area. Issuance of this license may be authorized by local ordinances [or by] and
17 an interlocal agreement between or among participating jurisdictions. One license fee which is the
18 congregate of the license fees of all participating jurisdictions will be collected by the jurisdiction in
19 which the [home base of operation for the licensing] primary fixed business of the applicant is located.
20 The fee will be proportionately distributed based on the fee schedule for each jurisdiction.
21 Notwithstanding any provision of this Title, the Director is authorized, but not required, to establish
22 license renewal cycles specifically applicable to each category and to prorate license fees in the
23 following circumstances:

24 (1) In connection with applying new multi-jurisdictional license provisions
25 to existing licenses;

26 (2) Upon the initial issuance of a new multi-jurisdictional license; or

27 (3) Upon the addition a participating jurisdiction to an existing
28 multi-jurisdictional license.

1 SECTION 2: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas,
2 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 115, reading
3 as follows:

4 **6.02.115:** (A) The Department may collect license fees and issue business licenses for the City
5 and any other jurisdiction participating in a multi-jurisdictional business license program authorized
6 by LVMC 6.02.060(D) and an appropriate interlocal agreement between the parties participating in
7 such a program.

8 (B) The following license categories are eligible for multi-jurisdictional business
9 licensing:

- 10 (1) Delivery service pursuant to 6.04.030;
11 (2) Contractor pursuant to LVMC 6.04.070;
12 (3) Professional business pursuant to LVMC 6.04.065; and
13 (4) Residential property maintenance provider pursuant to LVMC 6.04.050.

14 (C) Notwithstanding any provision in this Chapter to the contrary, the City shall not
15 accept license fees nor renew a multi-jurisdictional business license in a participating jurisdiction upon
16 receipt of a written notice by a participating jurisdiction directing the City not to renew such license
17 in its jurisdiction. In this capacity, the City is merely acting as the conduit for non-renewal by the
18 non-renewing participating jurisdiction, and any review or appeal of such decision to not renew the
19 license by the City must occur at the jurisdiction directing the non-renewal of the license. The City
20 shall not hear any review or appeal of such non-renewal.

21 (D) Notwithstanding any provision in this Chapter to the contrary, the City shall
22 suspend or revoke a multi-jurisdictional business license in a participating jurisdiction upon receipt
23 of a written notice by a participating jurisdiction directing the City to suspend or revoke such license
24 in its jurisdiction. In this capacity, the City is merely acting as the conduit for suspension or
25 revocation by the participating jurisdiction, and any review or appeal of such decision to suspend or
26 revoke the license by the City must occur at the jurisdiction directing the suspension or revocation of
27 the license. The City shall not hear any review or appeal of such suspension or revocation.

28 (E) Subsections (C) and (D) only permit the City to act to levy disciplinary action

1 against a multi-jurisdictional business licensee in a jurisdiction other than the City at the direction of
2 another participating jurisdiction. Such provisions do not permit the City to levy disciplinary action
3 against any licensee doing business within the City's jurisdiction without following the provisions for
4 disciplinary action provided by this Chapter.

5 (F) Notwithstanding any provisions to the contrary, if a business possessing a
6 multi-jurisdictional business license issued by the City permanently closes its primary fixed business
7 within the boundaries of the City, renewal fees shall not be accepted and such license shall not be
8 renewed by the City.

9 SECTION 3: Title 6, Chapter 2, Section 120, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.02.120:** (A) Except as otherwise provided in Subsection (B) of this Section, a business
12 license shall only be issued if the applicant has a fixed place of business from which the business will
13 actually be conducted.

14 (B) A mobile business license may be issued to an applicant whose business
15 operations are conducted exclusively from other than a fixed place of business within the City,
16 including door-to-door operations and operations conducted from a motorized vehicle.

17 (C) Failure by a holder of a City multi-jurisdictional business license to permanently
18 maintain a fixed place of business within the boundaries of the City shall preclude the annual renewal
19 of such a license.

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

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

24 **Billiard or pool hall**, with the fee amount to be charged for each billiard or pool table.

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

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

1 facility.

2 **[Express or delivery service, with the fee amount to]** **Delivery service**, which is any business
3 providing a transport of goods from one location to another location for a fee. The license fee shall
4 be charged for the first vehicle used in the business, and a thirty dollar annual fee to be charged for
5 each additional vehicle used in the business. An applicant for this license may be required by the
6 Director to furnish a State license or certificate, if applicable, or written verification that such license
7 or certificate is not required.

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

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

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

18 SECTION 5: Title 6, Chapter 4, Section 40, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.04.040:** Businesses or business locations within the following licensing categories shall pay a
21 one hundred dollars annual business license fee, as set forth below:

22 **Administrative office space**, which is an office location in which specific administrative functions
23 of a business are conducted apart from the primary business location.

24 **Corporate administrative office space**, which is an office location in which centralized
25 administrative functions are conducted on behalf of affiliated business entities, whether the business
26 operations of those entities are conducted at that location or elsewhere.

27 **[Lawn and landscape maintenance**, which is any business that provides lawn or landscape
28 maintenance but is not required to have a State contractor's license.]

1 **Motor transportation service**, which is any person who provides passenger transportation service
2 for hire, excluding a taxi service. An applicant for this license must furnish a certificate of public
3 convenience and necessity from the Transportation Services Authority in accordance with NRS
4 Chapter 706, or evidence of exemption from the certificate requirement. The fee amount shall be
5 charged for each vehicle operated as part of the business, except that any vehicle which is devoted
6 exclusively to public transportation as designated by a local government within Clark County is
7 exempt from the license fee requirement.

8 **Public bus service**, which is any person who operates a privately owned bus service for the purpose
9 of transporting members of the general public from place to place within the City. The fee amount
10 shall be charged for each bus used in the transportation service. Before a license application may be
11 approved by the City Council, the applicant must file with the City Clerk a map designating the
12 proposed service routes, and must meet all Transportation Service Authority requirements.

13 **Sightseeing bus or limousine service**, which is any person who operates a transportation service
14 utilizing buses or limousines to transport passengers for hire, but which is not operated over fixed
15 routes or between pre-established points. The fee amount shall be charged for each vehicle used in
16 the transportation service. An applicant for this license must furnish a certificate of public
17 convenience and necessity from the Transportation Services Authority, as obtained in accordance with
18 NRS Chapter 706.

19 **Skating rink**, which is any business that offers to the public for a fee the use of any facility, regardless
20 of surface type, for the purpose of skating. The term "skating" includes roller skating, ice skating or
21 any other type or form of skating or skateboarding.

22 **Travel and ticket agency**, which is any person in the business of purchasing and reserving hotel
23 accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists
24 or other persons. The category does not include any person who furnishes reservations or tickets
25 exclusively for services in an establishment owned by that person.

26 **Truck rental agency**, which is any business that offers trucks for rent. The fee amount shall be
27 charged for each truck available for rental.

28 SECTION 6: Title 6, Chapter 4, Section 50, of the Municipal Code of the City of Las

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

2 **6.04.050:** Businesses within the following licensing categories shall pay a one hundred fifty
3 dollars annual business license fee, as set forth below:

4 **Armored car service**, which is a business that provides for hire the transportation of money, currency,
5 bank notes, money orders, bonds, notes, gaming chips and other valuable property, instruments or
6 documents.

7 **Artist**, which is any person who produces art for profit. The category does not include contractors,
8 designers, and painters (those who paint signs or other structures).

9 **Automobile detailing**, which is any mobile business engaged in the washing, waxing, cleaning or
10 detailing motor vehicles by means of human effort rather than by mechanical means.

11 **Automobile towing service**, which is a business engaged in towing motor vehicles. The category does
12 not include any service station or garage which, as an incident to providing repairs, tows automobiles
13 to its place of business to make such repairs.

14 **Bookkeeper**, which is any business or person, other than a certified public accountant or public
15 accountant, engaged in providing the service of recording the accounts, transactions or preparation of
16 tax returns on behalf of another business or person.

17 **Business support service**, which is any business that performs for one or more other businesses a
18 service that is generally performed internally to a business, including without limitation billing,
19 mailing, printing, customer service evaluations, the processing of claims or other paperwork, resident
20 agent, holding company or other miscellaneous support services.

21 **Carwash**, which is a stationary business that offers services to clean cars by either coin operation or
22 direct payment, whether or not it is operated in conjunction with another business. The services
23 offered may include the washing, waxing, cleaning and detailing of motor vehicles by human effort.

24 **Concrete pumping**, which is any business that provides to construction projects equipment that is
25 used to pump or disperse concrete products.

26 **Construction cleanup**, which is any business that removes construction materials from construction
27 sites for transportation to a disposal site. For purposes of this category, "construction materials"
28 includes without limitation wood, plaster, metals, asphaltic substances, brick, block, concrete,

1 excavation dirt, rock, stone and gravel.

2 **Contract labor service**, which is any person who, by contract, supplies employees to perform
3 temporary labor services (and only temporary labor services) for another under circumstances in which
4 the individuals performing the labor do not become employees of the recipient of the services.

5 **[Designer-decorator**, which is any person who specializes in the planning or execution of the layout,
6 decorations or furnishing for any interior structure, including advice related to or sales of decorator
7 items, window and wall coverings or furnishings.

8 **Draftsman**, which is any person who prepares drawings or sketches of structures, but who is not
9 acting as an architect under NRS Chapter 623.]

10 **Party planning service**, which is any business that plans parties or provides at party locations any of
11 the following services or similar services: disc jockey, clown singing telegrams, or karaoke. The
12 category does not include any business whose primary function is to provide for the supervision, care
13 or control of children.

14 **Permanent makeup**, which is any business that enhances or alters facial characteristics by inserting
15 indelible pigment under the skin or by the production of scars.

16 **Personal services**, which is any business that provides personal services, including without limitation
17 a wake-up service, reminder service, errand service, vehicle registration service, personal chef or cook
18 service, or shopping service. The category does not include any service that is designated or included
19 in another category identified in this Title.

20 **Residential property maintenance provider**, which is any person who provides onsite property
21 maintenance or clean up services, such as, but not limited to the following services: handyman,
22 janitorial, maid, lawn maintenance, pest control, pool and/or spa cleaning, power washing,
23 sewer/septic pumping or cleaning, tree trimming or window cleaning primarily at, in or upon
24 residential structures. This classification does not include activities requiring a contractor's license
25 pursuant to NRS Chapter 624, nor does this classification include activities that primarily includes
26 onsite property maintenance or clean up services at, in or upon commercial structures.

27 **Rental referral service**, which is any person who provides a listing or referral service for the rental
28 of apartments, equipment, or other types of rentals. The category does not include any person or

1 business that is required to be licensed under NRS Chapter 645.

2 **Riding horse rental**, which is any person who provides riding horses for rent or provides boarding,
3 stabling or training for riding horses.

4 **School**, which is any institution or place of education or instruction, or any individual acting as a tutor,
5 facilitator, trainer or otherwise providing instruction in a skill, except for an institution or individual
6 offering post-secondary education.

7 **[Sewer or septic drain cleaning**, which is any business that cleans sewers, drains or septic systems
8 and that does not require a State contractor's license.]

9 **Shooting range**, which is any business that operates a weapons range for practice, competition,
10 training or instruction other than a law enforcement agency.

11 **Sign painting establishment**, which is any person who engages in the business of painting signs but
12 who is not required to have a State contractor's license.

13 **Tattoo establishment**, which is any business that places indelible marks and figures upon the body
14 by inserting pigment under the skin or by the production of scars.

15 **Tennis/handball/racquetball court**, which is any business that offers to the public the use of playing
16 courts for any of the sports enumerated. The fee amount shall be charged for the first playing court
17 used in the business, with a twenty dollar annual fee to be charged for each additional playing court.

18 **Tour or tour guide**, which is any business that conducts tours or provides tour guides services to the
19 general public and is not regulated by the Nevada Transportation Services Authority.

20 **[Tree trimmer**, which is any person who offers to the public tree trimming services. Each tree
21 trimmer shall have on file with the Department a certificate of insurance in an amount determined by
22 the Director as proof for property damage and bodily injury.]

23 **Valet parking**, which is any person engaged in providing for customers the service of parking private
24 vehicles in a designated area. The category does not include any person who provides parking services
25 for the customers of a business and is employed by that business.

26 **Vocational rehabilitation counselor**, which is any person who is licensed or required to be certified
27 in accordance with NRS Chapter 615 and who provides the service of counseling clients relative to
28 labor market assessments, job development, job assessments or employer consultation in the area of

1 industrial or vocational rehabilitation within the health care industry.

2 SECTION 7: Title 6, Chapter 4, Section 160, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.04.160:** Businesses within the following licensing categories shall pay a thirty-five dollars
5 semiannual business license fee, as set forth below:

6 **Barbershop**, which is any barbershop establishment that is licensed or required to be licensed
7 pursuant to the provisions of NRS Chapter 643 and that offers barber services to the general public.
8 The fee amount shall be charged for the first customer chair, with a ten dollars semiannual fee for each
9 additional customer chair.

10 **Cosmetological establishment**, which is any cosmetological establishment that is licensed or required
11 to be licensed by the State pursuant to the provisions of NRS Chapter 644 and that provides
12 cosmetology services to the general public. The fee amount shall be charged for the first customer
13 chair, with a twenty dollar semiannual fee for each additional customer chair.

14 **Interactive entertainment center**, which is any establishment whose primary purpose is to provide
15 technology enabled interactive entertainment, including, but not limited to, motion simulation,
16 networked multi-site multi-player games, multi-media, and virtual reality based games for use by
17 patrons of the establishment. The fee amount shall be charged for each playing station or payment
18 receptacle that pertains to a game, multi-media or computer-related activity, devices or other form of
19 entertainment. Any other type of business to be conducted on the premises, including any
20 separate-leased area of the premises, must be separately licensed and is subject to any background
21 investigation applicable thereto.

22 **[Inter-jurisdictional mobile service operation**, which is any business operating from another
23 jurisdiction that regularly services customers in the City and that does not fall within any other fee
24 category described in this Chapter. The fee amount shall be charged for each vehicle operated in the
25 business.]

26 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

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

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

13 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

17 APPROVED:

18
19 By _____
CAROLYN G. GOODMAN, Mayor

20 ATTEST:

21 _____
22 BEVERLY K. BRIDGES, MMC
City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 6-25-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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