

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 495 S. MAIN STREET
CITY CLERK'S 2ND FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
JANUARY 21, 2014
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.

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED; 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. BACKUP MATERIAL FOR THIS AGENDA MAY BE OBTAINED FROM BEVERLY K. BRIDGES, CITY CLERK, AT THE CITY CLERK'S OFFICE AT 495 SOUTH MAIN STREET, 2ND FLOOR OR ON THE CITY'S WEBPAGE AT www.lasvegasnevada.gov.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2014-1 - For Possible Action - Amends Ordinance No. 6285, relating to the annexation of property, to correct the zoning designation of that property (General Location - the southwest corner of Farm Road and Grand Canyon Drive). Proposed by: Flinn Fagg, Director of Planning
4. Bill No. 2014-2 - For Possible Action - Eliminates specific business license categories for commercial dance studios, distress merchandise sales, retail demonstration merchandise sales stores, and food caterers; eliminates charitable solicitation permits; and amends licensing regulations and fees related to outdoor pay telephones, professional promoters, and charitable or special events. Sponsored by: Councilman Steven D. Ross
5. Bill No. 2014-3 - For Possible Action - Deletes certain work card requirements in multiple chapters of LVMC Title 6, amends multiple chapters of LVMC Title 6 related to work card requirements, and establishes a hearing panel to hear work card appeals. Sponsored by: Councilman Bob Beers
6. Bill No. 2014-4 - For Possible Action - Amends the Unified Development Code to establish the means of allowing a site with development approval entitlements to obtain separate and concurrent approval for temporary development. Proposed by: Scott D. Adams, Deputy City Manager
7. Bill No. 2014-5 - For Possible Action - Annexation No. ANX-50680 - Property location: located on the southwest corner of Dorrell Lane and Eula Street; Petitioned by: D. R. Horton, Inc.; Acreage: 5.07 acres; Zoned: R-D (County zoning), R-1 (City equivalent). Sponsored by: Councilman Steven D. Ross

City of Las Vegas

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

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. Dial 7-1-1 for Relay Nevada.

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

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014**

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

Bill No. 2014-1 - For Possible Action - Amends Ordinance No. 6285, relating to the annexation of property, to correct the zoning designation of that property (General Location - the southwest corner of Farm Road and Grand Canyon Drive). Proposed by: Flinn Fagg, Director of Planning

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

On October 2, 2013, the City Council adopted Ordinance No. 6285, annexing property generally located at the southwest corner of Farm Road and Grand Canyon Drive. The ordinance incorrectly indicated that the City zoning designation equivalent to that held in the County is R-E. The correct designation is RPD-4, and this Ordinance amends the previous annexation ordinance to reflect the correct zoning.

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. 2014-1

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BILL NO. 2014-1

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 6285 (REGARDING THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY) TO CORRECT THE ZONING DESIGNATION OF THE ANNEXED TERRITORY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (PERTAINING TO ANNEXATION ANX-49991)

Proposed by: Flinn Fagg, Director of Planning	Summary: Amends Ordinance No. 6285, relating to the annexation of property, to correct the zoning designation of that property (General Location - the southwest corner of Farm Road and Grand Canyon Drive).
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 6285 of the City of Las Vegas was adopted on October 2, 2013, with an effective date of October 11, 2013, to accomplish the annexation into the City of the territory described as follows:

That portion of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 18, Township 19 South, Range 60 East, MDM, in the County of Clark, State of Nevada, more particularly described by metes and bounds as follows:

...

BEGINNING at the northeast corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 18, thence along the north line of said Northeast Quarter (NE 1/4), North 89°12'14" West, 1335.44 feet to the northeast corner of Government Lot 21 of said Section 18; thence along the east line of said Government Lot 21, South 00°21'19" East, 661.70 feet to the most northerly line of LOT 42 of the plat of PINNACLE-SABLE CREEK, on file in Book 127 of Plats, Page 70, of Clark County, Nevada Records; thence South 89°12'14" East, 683.82 feet to the northeast corner of LOT 47 of said Book 127 of Plats, Page 70, also being a point on the westerly line of COMMON LOT A of the plat of AMENDED FINAL MAP OF PINNACLE-SABLE CREEK, on file in Book 133 of Plats, Page 98 of Clark County, Nevada Records, also being a point on a non-tangent curve, concave westerly and having a radius of 518.50 feet, a line radial to said point bears North 79°31'11" East; thence northerly along said curve and along the westerly line of said COMMON LOT A, through a central angle of 12°23'57" and an arc distance of 112.21 feet to a reverse curve, concave easterly and having a radius of 481.50 feet, a line radial to said point bears South 67°07'14" West; thence northerly along said curve and continuing along the westerly line of said COMMON LOT A, through a central angle of 05°58'41" and an arc distance of 50.24 feet to the northwest corner of said COMMON LOT A; thence along the north line of said COMMON LOT A, South 89°12'14" East, 187.99 feet to a curve, concave southerly and having a radius of 2000.00 feet; thence easterly along said curve and continuing along the north line of said COMMON LOT A, through a central angle of 00°19'37" and an arc distance of 11.41 feet to the northeast corner of said COMMON LOT A; thence along the east line of said COMMON LOT A, South 00°48'25" West, 177.94 feet to the southeast corner of said COMMON LOT A; thence South 89°11'35" East, 115.53 feet to the northwest corner of LOT 50 of said Book 127 of Plats, Page 70; thence along the north line of LOT 50, LOT 51, and LOT 52 of said Book 127 of Plats, Page 70, South 89°11'35" East, 330.42 feet to a curve, concave southwesterly and having a radius of 15.00 feet; thence southeasterly along said curve and along the northerly line of LOT 52 of said Book 127 of Plats, Page 70, through a central angle of 89°07'10" and an arc distance of 23.33 feet to the east line of said LOT 52; thence North 89°55'38" East, 40.00 feet to the east line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 18; thence along the east line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 18, North 00°04'22" West, 700.08 feet to the POINT OF BEGINNING.

The Basis of Bearings for this land description is North 89°12'14" West, being the north line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 18, Township 19 South, Range 60 East, MDM, Clark County, Nevada as shown by the plat of PINNACLE-SABLE CREEK, on file in Book 127 of Plats, Page 70, of Clark County, Nevada Records.

Written by:

Neil Wacaser

City of Las Vegas, Department of Operations & Maintenance

333 N. Rancho Drive

Las Vegas, NV, 89106

(702) 229-2475

nwacaser@lasvegasnevada.gov

1 SECTION 2: Ordinance No. 6285 of the City of Las Vegas is hereby amended
2 by amending Section 7 thereof to read as follows:

3 SECTION 7: The described territory, which previously has been zoned R-D
4 (County of Clark classification), is hereby classified as [R-E] RPD-4 (City of Las
5 Vegas classification), which is deemed to be the City equivalent of the County
6 classification.

7 SECTION 3: The amendment represented in Section 1 of this Ordinance shall
8 be effective as of the effective date of Ordinance No. 6285.

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

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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 _____, 2014.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-16-13
Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2014, 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
5 ordinance on the ____ day of _____, 2014, which was a
6 _____ meeting of said Council; that at said _____ meeting,
7 the proposed ordinance was read by title to the City Council as first introduced and adopted by the
8 following vote:

9 VOTING "AYE": _____

10 VOTING "NAY": _____

11 ABSENT: _____

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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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-2 - For Possible Action - Eliminates specific business license categories for commercial dance studios, distress merchandise sales, retail demonstration merchandise sales stores, and food caterers; eliminates charitable solicitation permits; and amends licensing regulations and fees related to outdoor pay telephones, professional promoters, and charitable or special events. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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No Impact

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Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill reflects a housekeeping effort to eliminate a number of licensing categories that are unnecessary or duplicative, and to update regulations and fees related to outdoor pay telephones, professional promoters, and charitable or special events.

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. 2014-2
2. Chapters to be repealed

BILL NO. 2014-2

ORDINANCE NO. _____

AN ORDINANCE TO ELIMINATE SPECIFIC BUSINESS LICENSE CATEGORIES FOR COMMERCIAL DANCE STUDIOS, DISTRESS MERCHANDISE SALES, RETAIL DEMONSTRATION MERCHANDISE SALES STORES, AND FOOD CATERERS; ELIMINATE CHARITABLE SOLICITATION PERMITS; AMEND LICENSING REGULATIONS AND FEES RELATED TO OUTDOOR PAY TELEPHONES, PROFESSIONAL PROMOTERS AND CHARITABLE OR SPECIAL EVENTS; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Eliminates specific business license categories for commercial dance studios, distress merchandise sales, retail demonstration merchandise sales stores, and food caterers; eliminates charitable solicitation permits; and amends licensing regulations and fees related to outdoor pay telephones, professional promoters, and charitable or special events.

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

SECTION 1: Title 6, Chapter 22, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: Title 6, Chapter 27, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 3: Title 6, Chapter 34, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 4: Title 6, Chapter 39, of the Municipal Code of the City of Las Vegas, Nevada, 1983 edition is hereby repealed in its entirety.

SECTION 5: Title 6, Chapter 72, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

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

6.04.030: Businesses within the following licensing categories shall pay a fifty dollars annual

business license fee, as set forth below:

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

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

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

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

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

(A) Occasional fundraising activities;

(B) Solicitation activities that are [subject to the provisions of LVMC Chapter 6.22;] governed by the provisions of State law pertaining to solicitation by nonprofit organizations;

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

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

SECTION 7: Title 6, Chapter 40, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.40.060: The Director may in his discretion approve any charitable or educational organization [which has obtained a charitable solicitations permit] to conduct and maintain any games or sports pool,

1 provided such charitable or educational organization has first obtained the approval of the State Gaming
2 Control Board as required by NRS 463.409.

3 SECTION 8: Title 6, Chapter 58, Section 20, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.58.020:** It is unlawful for any person to install or maintain an outdoor pay telephone without having
6 obtained a license to do so. [An initial license application must include the location of each outdoor pay
7 telephone by street address and the telephone number for each telephone, or such other identifying
8 information as will allow the City to implement the provisions of this Chapter. On a quarterly basis, each
9 licensee must provide to the Department a list of locations from which telephones have been removed and
10 new locations where telephones have been installed. Each list must include the same identifying
11 information as is required for an initial application.]

12 SECTION 9: Title 6, Chapter 58, Section 30, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.58.030:** The license fee for each person required to be licensed under this Chapter is [a quarterly
15 fee of one and one-half percent of the gross revenue attributable to the outdoor pay telephones installed by
16 that person within the City. The license fee is due on the fifteenth day of the second month following the
17 end of each calendar quarter.] two hundred dollars annually.

18 SECTION 10: Title 6, Chapter 58, Section 50, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.58.050:** The licensee's name and telephone number shall be prominently displayed on each outdoor
21 pay telephone. Each outdoor pay telephone shall be maintained by the licensee in good repair and in a clean
22 and safe condition at all times. In addition, each public outdoor pay telephone shall be installed in
23 accordance with any durability and design standards established by the Department of Public Works. Each
24 licensee must maintain a map and address list of the location of each outdoor pay telephone and make it
25 available to the Director upon request.

26 SECTION 11: Title 6, Chapter 58, Section 70, of the Municipal Code of the City of Las

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

6.58.070: (A) The City[, through its Department of Finance and Business Services or its Department of Neighborhood Services,] is authorized to remove any private or public outdoor pay telephone which has been installed or maintained in violation of this Chapter. The City shall send a written notice to the owner, operator or licensee at least seven days prior to removal stating that the outdoor pay telephone is subject to removal unless the owner, operator or licensee provides evidence of compliance with this Chapter or requests a hearing before the Director of Planning [Finance and Business Services,] or the Director's designee. Unless the Director determines that the installation jeopardizes the public health, safety or welfare, the action to remove the telephone shall be stayed pending resolution of any hearing that has been requested. The decision by the Director or the Director's designee following the hearing shall be final.

(B) Any outdoor pay telephone removed by the City may be reclaimed by the owner within thirty days after removal upon reimbursement to the City for removal and storage costs. Any outdoor pay telephone not so reclaimed may be disposed of as unclaimed property or destroyed.

SECTION 12: Title 6, Chapter 58, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.58.090: If the City[, through its Department of Finance and Business Services Planning or Building - Code Enforcement or its Department of Neighborhood Services,] determines that the continued operation of a particular outdoor pay telephone contributes to ongoing drug trafficking, loitering, street gangs, illegal activities, unsightly graffiti or conduct detrimental to the tranquility of the neighborhood, or has a deleterious impact upon the surrounding neighborhood or upon the public health, safety and welfare, it may declare the telephone a nuisance and notify the licensee, who shall remove the outdoor pay telephone within fourteen days, or such other time as specified by the notice. Any outdoor pay telephone not so removed may be abated or removed by the City in accordance with the abatement procedure set forth in LVMC Chapter 9.04, to the extent not inconsistent with this Section. After the City removes the outdoor pay telephone, the City shall notify the owner, installer or other responsible person of the removal if such

1 person or persons are known to or reasonably can be determined by the City. Such notice shall be given
2 within five days after removal of the outdoor pay telephone or within such additional time as may be
3 necessary to locate and identify such person or persons. The City must not dispose of the outdoor pay
4 telephone for thirty days following its removal. The owner may reclaim the outdoor pay telephone within
5 thirty days after removal upon reimbursement to the City for removal and storage costs. Any outdoor pay
6 telephone not so reclaimed may be disposed of as unclaimed property or destroyed.

7 SECTION 13: Title 6, Chapter 62, Section 30, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.62.030:** This Chapter does not apply to:

10 (A) Charitable solicitations conducted in compliance with Chapter ~~6.22~~11.62,
11 Chapter 6.78 or the provisions of NRS Chapters 82 and 598 that pertain to such solicitations.

12 (B) Temporary merchants and mobile food vendors to the extent they are subject to
13 and in compliance with, the provisions of this Title which govern those businesses.

14 (C) The selling, offering for sale or soliciting of orders for goods or services from
15 licensed wholesale or retail businesses located within the City, except with regard to the provisions of
16 LVMC 6.62.020(B).

17 SECTION 14: Title 6, Chapter 62, Section 50, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.62.050:** Any person who is required to have a permit under this Chapter must file an application
20 with the Director and pay a nonrefundable processing fee of ~~[thirty]~~ fifty dollars. The application must be
21 made upon forms provided by the Department. The Department may require such information as is
22 required of business license applicants under Chapter 6.02, as well as the following:

23 (A) The name and a description of the business or enterprise which the applicant
24 proposes to engage in or represent;

25 (B) The dates on which the applicant desires to peddle or solicit;

26 (C) A description of the selling methods to be used and the nature of the products or

1 services to be offered; and

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

4 SECTION 15: Title 6, Chapter 71, Section 100, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.71.100:** Each operator, other than a patriotic, philanthropic, religious, social service, welfare,
7 benevolent, educational, civic or fraternal organization, [to which LVMC Chapter 6.22 applies,] shall pay
8 the license fees that are provided for in LVMC Chapter 6.46.

9 SECTION 16: Title 6, Chapter 78, Section 10, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.78.010:** Unless the context requires otherwise, the following definitions apply to this Chapter:

12 [(A) "Producer or promoter" means any person who is directly or indirectly responsible for the
13 organization of a special event and who directly or indirectly receives:

14 (1) Admission or entrance fees paid by participants or spectators; or

15 (2) Compensation, consideration or revenue from sponsors or private donors.]

16 "Charitable" means and includes the words patriotic, philanthropic, religious, social service, welfare,
17 benevolent, educational, civic or fraternal, either actual or purported.

18 "Charitable organization" has the same meaning as provided at LVMC 11.62.020(A).

19 "Contributions" means and includes the words alms, food, clothing, money, subscription, property, the loan
20 of money or property, financial assistance or items of personal property.

21 "Professional promoter of charitable events" means a person who, for compensation, plans, promotes,
22 conducts, manages or carries on or attempts to plan, promote, conduct, manage or carry on any drive or
23 campaign for the purpose of soliciting contributions for or on behalf of any charitable person, or engages in
24 the business of soliciting contributions for charitable purpose and who directly or indirectly receives:

25 (1) Admission or entrance fees paid by participants or spectators; or

26 (2) Compensation, consideration or revenue from sponsors or private donors.

1 “Professional promoter of non-charitable events” means a person who, for compensation, plans, promotes,
2 conducts, manages, carries on or attempts to plan, promote, conduct, manage or carry on any drive or
3 campaign for the purpose of organizing a special event or any other type of event where more than three
4 hundred persons are expected to attend, and who directly or indirectly receives:

5 (1) Admission or entrance fees paid by participants or spectators; or

6 (2) Compensation, consideration or revenue from sponsors, owners or beneficial owners of an
7 establishment.

8 “Solicit” and “solicitations” means the request, either directly or indirectly, for contributions on the plea or
9 representation that such contributions or any proceeds to be derived therefrom will be used for a charitable
10 purpose. Without limiting the generality of the above, such words shall include the following methods of
11 securing contributions on the plea or representation that it will be used for a charitable purpose:

12 (1) Any oral or written request;

13 (2) The distribution, circulation, mailing, posting or publishing of any handbills, written
14 advertisement or publication;

15 (3) The making of any announcement through the press, radio, television, or by telephone or
16 telegraph concerning an appeal, assembly, athletic or sporting event, bazaar, benefit, campaign, contest,
17 dance, dinner, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, or
18 similar events, which the general public is requested to patronize or to which the general public is requested
19 to contribute; or

20 (4) the sale of or the offer or attempt to sell any advertisement, advertising space, book,
21 coupon, magazine, merchandise, subscription, ticket or other thing.

22  A “solicitation,” as defined herein, shall be deemed completed when made, whether or not the person
23 making the same receives any contribution or makes any sale.

24 [(B)] “Special event” means any event:

25 (1) Described as a special event in LVMC 12.02.010; and

26 (2) At which at least three hundred persons are expected to attend.

1 SECTION 17: Title 6, Chapter 78, Section 20, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.78.020:** No person shall act as a [producer or promoter of special events] professional promoter of
4 charitable events or a professional promoter of non-charitable events without first obtaining a valid
5 unexpired license pursuant to this Code. This requirement does not apply to an officer or employee of a
6 business or charitable organization who is conducting an event:

7 (A) For the regular business customers of that business or member of a charitable
8 organization;

9 (B) Within the indoor premises of that business or charitable organization; and

10 (C) In the normal course of the business operations for which that business is properly
11 licensed.

12 SECTION 18: Title 6, Chapter 78, Section 30, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.78.030:** Each licensee shall pay in advance a license fee of [fifty dollars per special event.] two
15 hundred dollars annually.

16 SECTION 19: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,
17 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 35, reading as
18 follows:

19 **6.78.035:** The Director may impose reasonable conditions on a license which may include, without
20 limitation:

21 (A) Reporting all events and solicitations that have already been conducted by the
22 licensee within a period specified by the Director, including dates, times and locations;

23 (B) Reporting in advance, up to thirty days in advance, all events and solicitations to
24 be conducted by the licensee, including dates, times and locations, and the names of profiles of entertainers
25 to be participating;

26 (C) Providing the Director with a copy of the federal and state registrations of

1 charitable organizations contracted to the licensee;

2 (D) Providing a listing of the names and addresses of employees of the licensee who
3 are to be involved in an event or solicitation.

4 SECTION 20: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 40, reading as
6 follows:

7 **6.78.040:** Each licensee shall make available its books and records for one year after each event or
8 charitable solicitation for audit by the Director or his authorized representative.

9 SECTION 21: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 45, reading as
11 follows:

12 **6.78.045:** Each licensee is responsible for, and may be subject to disciplinary action for, the acts and
13 omissions of its principals, agents, employees, promoters and solicitors.

14 SECTION 22: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 50, reading as
16 follows:

17 **6.78.050:** No professional promoter of charitable events shall represent in connection with any
18 solicitation that the issuance of the license by the City constitutes an endorsement or approval of the
19 purposes of such solicitation by the City or any officer or employee thereof.

20 SECTION 23: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 55, reading as
22 follows:

23 **6.78.055:** No professional promoter of charitable events shall make any fraudulent or misleading
24 representation to anyone being solicited respecting any charitable purpose for which such funds are being
25 solicited.

26 SECTION 24: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,

1 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 60, reading as
2 follows:

3 **6.78.060:** No professional promoter of charitable events shall fail to disclose, upon request, to any
4 person being solicited for a charitable organization exactly what percentage of the funds to be given, paid
5 or contributed by the person being solicited will go or be donated to the charitable or welfare purpose.

6 SECTION 25: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,
7 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 65, reading as
8 follows:

9 **6.78.065:** Within the first thirty seconds of any solicitation by telephone, the professional promoter
10 of charitable events or any person employed or soliciting on behalf of a professional promoter making the
11 solicitation must identify himself by his full name, his business affiliation (if he is a professional promoter
12 of charitable events) and the name of the charitable organization on whose behalf the solicitation is being
13 made.

14 SECTION 26: Title 6, Chapter 78, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 70, reading as
16 follows:

17 **6.78.070:** (A) No professional promoter of charitable events shall commingle his personal funds
18 with contributions collected through a charitable solicitation.

19 (B) Every professional promoter of charitable events shall establish a special trustee
20 bank account for each charitable solicitation with which he is connected, into which shall be placed all
21 money coming into his hands in connection with such solicitation.

22 (C) Separate books or records shall be kept by a professional promoter of charitable
23 events for each solicitation, showing the amount of each contribution coming into his hands and the name
24 of the person making such contribution. Such books or records shall also show all disbursements made of
25 the contributions.

26 (D) All such books, records and special trustee bank accounts shall be subject to audit

1 by the Director or his representatives.

2 SECTION 27: Title 6, Chapter 80A, Section 30, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.80A.030:** This Chapter does not apply to:

5 (A) Charitable solicitations conducted in compliance with [Chapter 6.22;] State law
6 governing that activity; or

7 (B) The selling, offering for sale, or soliciting of orders for goods or services from a
8 licensed wholesale or retail business at the licensed location of that business.

9 SECTION 28: Title 6, Chapter 90, Section 90, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.90.090:** Any organization that qualifies as a non-profit, charitable or religious organization [and has
12 obtained a charitable solicitations permit pursuant to LVMC Chapter 6.22] is exempt from the provisions of
13 Sections 6.90.060, 6.90.070 and 6.90.080 of this Chapter.

14 SECTION 29: Title 9, Chapter 28, Section 110, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **9.28.110:** No person shall sell fireworks at retail in the City except recognized local charitable and
17 fraternal organizations who have applied for and obtained a permit from the Department of Fire Services.
18 The permit requirement is in addition to any applicable requirement of [LVMC Chapter 6.22.] State law
19 governing solicitations. Each applicant for a permit must pay, at the time of application, a permit fee of
20 fifty dollars for each location.

21 SECTION 30: Title 10, Chapter 65, Section 60, of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **10.65.060:** The provisions of this Chapter, with the exception of Section 10.65.050, shall not apply to:

24 (A) Persons who comply with the provisions of [Chapter 6.22 of this Code] State law
25 regarding charitable solicitations;

26 (B) Persons who engage or employ minors to solicit or sell subscriptions to

1 newspapers or magazines from door-to-door when such newspapers or magazines are delivered by carriers
2 who take title to and deliver them on established routes, whether such solicitations or sales occur within a
3 carrier's designated route or not; and

4 (C) Minors who make solicitations or sales on behalf of the persons described in
5 subsections (A) and (B) of this Section.

6 SECTION 31: Title 10, Chapter 78, Section 30, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **10.78.030:** (A) The prohibitions contained in Section 10.78.020 do not apply to any sale or display
9 on a vacant lot or unoccupied lot by the owner of such lot, or in a parking lot by the owner or operator of
10 such lot, if the activity is authorized by and in accordance with the zoning regulations which are applicable
11 to such lot.

12 (B) The prohibitions contained in Section 10.78.020 do not apply to any sale or display
13 on a vacant lot or unoccupied lot by a person other than the owner of such lot, or in a parking lot by a
14 person other than the owner or operator of such lot, if:

15 (1) The activity is authorized by and in accordance with the zoning regulations
16 which are applicable to such lot;

17 (2) The owner, or, if applicable, the operator of such lot has consented in
18 writing to the activity; and

19 (3) The written consent is posted in a conspicuous, readily-visible place at the
20 location of the sale or display or, in the case of a motor vehicle which is equipped with a windshield, on the
21 inside surface of the windshield, facing outward. The written consent must be signed by the owner or, if
22 applicable, the operator of the lot, the name and address of such owner or operator, the name and address of
23 the person or organization for whose benefit the consent is given, the type of display or sale to be permitted
24 and the period for which the consent is given.

25 (C) The prohibitions contained in Section 10.78.020 do not apply to any temporary
26 sale or display by a nonprofit organization which has:

1 (1) [Obtained a charitable solicitation permit for the activity pursuant to
2 Chapter 6.22;] Complied with the provisions of State law regarding charitable solicitations; and

3 (2) Obtained and posted a written consent to the activity in accordance with
4 the requirements set forth in paragraphs (2) and (3) of Subsection (B) of this Section.

5 (D) The provisions of Section 10.78.020 do not prohibit the operator of a motor vehicle
6 which is being advertised for sale from parking the vehicle in a parking lot if the circumstances indicate
7 that the vehicle is being parked in connection with the use of the establishment or development to which
8 the parking lot pertains, and not for the purpose of displaying the vehicle for sale.

9 SECTION 32: Title 10, Chapter 80, Section 30, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **10.80.030:** [80.020.] The prohibitions contained in Section 10.80.020 do not apply:

12 (A) To any tour bus when it is being used to transport passengers on a "celebrity
13 home" tour or to any function of a duly established and recognized nonprofit organization [for which
14 function the organization has obtained a charitable solicitation permit pursuant to Chapter 6.22]; provided,
15 however, that no such vehicle shall be allowed to stand or park in any one location for a period in excess of
16 thirty minutes;

17 (B) To any tour bus when it is located on property which is used as the base of
18 operation for such vehicle;

19 (C) In the case of an emergency which requires the standing or parking of such vehicle
20 contrary to the provisions of Section 10.80.020.

21 SECTION 33: Title 11, Chapter 60, Section 30, of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **11.60.030:** (A) The operator of a bus, other than a tour bus, shall:

24 (1) Not stand or park such vehicle upon any street at any place other than a
25 bus stop, bus stand or the origin or destination point for the route to which such vehicle is assigned which
26 has been designated in accordance with Section 11.60.010 of this Chapter;

1 (2) Not stop such vehicle upon any street at any place for the purpose of
2 loading or unloading passengers or their baggage other than at a bus stop, bus stand, passenger loading
3 zone or the origin or destination point for the route to which such vehicle is assigned which has been
4 designated in accordance with Section 11.60.010, except in case of an emergency;

5 (3) Not use any location as the point of origin or destination of the route of
6 such vehicle other than the origin or destination point for the route to which such vehicle is assigned which
7 has been designated in accordance with Section 11.60.010; [or]

8 (4) Enter a bus stop, bus stand, passenger loading zone or origin or destination
9 point on a public street in such a manner that the bus when stopped to load or unload passengers or baggage
10 shall be in a position with the right-hand front wheel of such vehicle not farther than eighteen inches from
11 the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other
12 vehicular traffic;

13 (5) Not stand or park a bus at a bus stop or an origin or destination point for a
14 period of time longer than has been designated for such bus stop or origin or destination point in
15 accordance with Section 11.60.010.

16 (B) (1) Except as otherwise provided in paragraph (2) of this Subsection, the
17 operator of a tour bus shall not stand or park such vehicle, except while actually and expeditiously engaged
18 in the loading or unloading of passengers, upon any street except at a location which has been duly
19 designated and marked as a tour bus loading zone in accordance with Section 11.44.080.

20 (2) The prohibition contained in paragraph (1) of this Subsection does not
21 apply:

22 (a) To any tour bus when it is being used to transport passengers on a
23 "celebrity home" tour or to any function of a duly established and recognized nonprofit organization for
24 which function the organization has [obtained a charitable solicitation permit pursuant to Chapter 6.22;]
25 complied with any applicable requirements of State law regarding charitable solicitations; provided,
26 however, that no such vehicle shall be allowed to stand or park in any one location for a period in excess of

1 thirty minutes,

2 (b) In the case of an emergency which requires the standing or
3 parking of such vehicle contrary to the provisions of paragraph (1) of this subsection.

4 SECTION 34: Title 11, Chapter 62, Section 20, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **11.62.020:** As used in this Chapter, unless the context otherwise indicates, the following terms shall
7 have the meanings that are ascribed to them as follows:

8 (A) "Charitable organization" means an organization which:

9 (1) The Secretary of the Treasury has determined is an exempt organization
10 pursuant to the provisions of Section 501(c) of the Internal Revenue Code; and

11 (2) Holds a current certificate of organization or is currently qualified by the
12 Secretary of State to do business in this State.

13 (B) "Highway" means the entire width between the boundary lines of every way
14 maintained by a public authority when any part thereof is open to the use of the public for purposes of
15 vehicular traffic. The term does not include a "freeway" as that term is defined in NRS 408.060.

16 (C) "Highway solicitation permit" means a certificate of authority issued by the
17 [Department of Business Activity] Department of Public Works to a charitable organization which allows
18 the holder of the permit to solicit charitable contributions for its organization while standing on the median
19 strip of any highway or the sidewalk adjacent to the highway within the jurisdiction of the City.

20 SECTION 35: Title 11, Chapter 62, Section 30, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **11.62.030:** No charitable organization shall solicit contributions from the median strip of any highway
23 or the sidewalk adjacent to the highway within the jurisdiction of the City without first obtaining and
24 thereafter maintaining [a valid unexpired charitable solicitation permit pursuant to LVMC Chapter 6.22
25 and] a valid unexpired highway solicitation permit[.] and proof of compliance with any State law
26 requirements regarding charitable organizations.

1 SECTION 36: Title 11, Chapter 62, Section 50, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **11.62.050:** (A) An application for a highway solicitation permit shall be made to the Department
4 of [Business Activity] Public Works upon forms provided by the Department.

5 (B) An application shall be filed with the Department at least five business days prior
6 to the date on which the solicitation is to begin and shall contain the following information:

7 (1) The name, street address, and telephone number of the applicant and the
8 charitable organization of behalf of which the application is made;

9 (2) The name, street address, and telephone number of the person who will be
10 responsible for the conduct of the solicitation;

11 (3) The date on which the solicitation is to begin and the time of day when the
12 solicitation is to begin and end for each day requested;

13 (4) The location(s) of the solicitation;

14 (5) The purpose of the solicitation;

15 (6) Proof of being a charitable organization as defined herein; and

16 (7) A declaration that no one less than eighteen years of age will be permitted
17 to participate in the solicitation.

18 (C) A post office box address shall be unacceptable as a street address on an
19 application where a street address is required; provided, however, an applicant may identify and designate
20 on his application a post office box address as the address to which he prefers correspondence to be mailed.

21 SECTION 37: 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 City
25 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
26 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,

1 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

2 SECTION 38: Whenever in this ordinance any act is prohibited or is made or declared to
3 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
4 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
5 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
6 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
7 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
8 of this ordinance shall constitute a separate offense.

9 SECTION 39: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

13
14 APPROVED:

15
16 By _____
CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 _____
19 BEVERLY K. BRIDGES, MMC
City Clerk

20
21 APPROVED AS TO FORM:

22 Val Steed
23 Val Steed,
Deputy City Attorney

12-16-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

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

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Las Vegas, Nevada, Code of Ordinances >> Title 6 - BUSINESS TAXES, LICENSES AND REGULATIONS
>> CHAPTER 6.22 CHARITABLE SOLICITATION >>

CHAPTER 6.22 CHARITABLE SOLICITATION

Article I. - Permits and General Provisions

Article II. - Professional Promoter License

Las Vegas, Nevada, Code of Ordinances >> Title 6 - BUSINESS TAXES, LICENSES AND REGULATIONS
>> CHAPTER 6.22 - CHARITABLE SOLICITATION >> Article I. Permits and General Provisions >>

Article I. Permits and General Provisions

- 6.22.010 Definitions.
- 6.22.020 Permit required—Exemptions.
- 6.22.030 Application.
- 6.22.040 Changes in application.
- 6.22.050 Consideration by the Director.
- 6.22.055 Authority to set conditions.
- 6.22.065 Permit—Display required.
- 6.22.070 Report of receipts and costs.
- 6.22.080 City access to books and records.
- 6.22.090 Actions of subordinates.
- 6.22.100 Solicitation for other purpose.
- 6.22.110 Representation of City approval.
- 6.22.120 Spending for undisclosed purpose.
- 6.22.130 False representation of purpose.
- 6.22.140 Disclosure of percentage actually for charity.
- 6.22.150 Telephone solicitation.
- 6.22.160 Violations—Notice of revocation hearing.
- 6.22.170 Violations—Hearing—Production of books and records.

6.22.010 Definitions.

As used in this Chapter, unless the context otherwise requires, the following words shall have the meaning ascribed to them:

- (A) "Charitable" means and includes the words patriotic, philanthropic, religious, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.
- (B) "Contributions" means and includes the words alms, food, clothing, money, subscription, property, the loan of money or property, financial assistance or items of personal property.
- (C) "Cost of solicitation" means all costs of whatever nature which are incurred by any person conducting a solicitation, including the wages, fees, commissions and expenses paid to any person in connection with such solicitation. This shall also

include all costs incurred in managing and/or selling contributions obtained by soliciting.

- (D) "Professional promoter" means a person who, for compensation, plans, promotes, conducts, manages or carries on or attempts to plan, promote, conduct, manage or carry on any drive or campaign for the purpose of soliciting contributions for or on behalf of any charitable person or engages in the business of soliciting contributions for charitable purposes. A bona fide officer or regular employee of a charitable person shall not be deemed a professional promoter by reason of his participation in charitable solicitations made by or on behalf of his employer.
- (E) "Solicit" and "solicitations" means the request, either directly or indirectly, for contributions on the plea or representation that such contributions or any proceeds to be derived therefrom will be used for a charitable purpose. Without limiting the generality of the above, said words shall include the following methods of securing contributions on the plea or representation that it will be used for a charitable purpose:
- (1) Any oral or written request;
 - (2) The distribution, circulation, mailing, posting or publishing of any handbills, written advertisement or publication;
 - (3) The making of any announcement through the press, radio, television, or by telephone or telegraph concerning an appeal, assembly, athletic or sporting event, bazaar, benefit, campaign, contest, dance, dinner, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, or similar events, which the general public is requested to patronize or to which the general public is requested to contribute;
 - (4) The sale of or the offer or attempt to sell any advertisement, advertising space, book, coupon, magazine, merchandise, subscription, ticket or other thing.

A "solicitation," as defined herein, shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale.

(Ord. 3333 § 1, 1988; Ord. 2235 § 3, 1981; prior code § 5-13-1)

6.22.020 Permit required—Exemptions.

It is unlawful for any person to solicit contributions within the City for any charitable purpose or person without a valid unexpired permit issued pursuant to this Code; provided, however, that the following are exempt from the provisions of this section:

- (A) Any solicitation made upon premises owned or occupied by the association upon whose behalf such solicitation is made;
- (B) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected, without any deduction whatever, shall be turned over to the named beneficiary;
- (C) Any association soliciting contributions solely from persons who are members thereof at the time of such solicitation;
- (D) Any solicitation in the form of a collection or contribution at a regular assembly or services of a charitable person.

(Ord. 2235 § 3 (part), 1981; prior code § 5-13-2)

6.22.030 Application.

An application for a permit shall be made to the Director upon forms provided by the Department. The application shall contain the following information:

- (A) The name, address or headquarters of the person applying for the permit;
- (B) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers;
- (C) The purposes for which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of such funds;
- (D) The names and addresses of the person or persons by whom the receipts or proceeds of such solicitation are to be disbursed;
- (E) The names and addresses of the person or persons who will be in direct charge of conducting the solicitation;
- (F) An outline of the method or methods to be used in conducting the solicitation;
- (G) The time when such solicitations are to be made, giving the dates for the beginning and ending of such solicitation;
- (H) An itemized statement or budget of the estimated cost of solicitation;
- (I) The names and addresses of all professional promoters and professional solicitors who will be connected with the solicitation and the amount of wages, fees, commission, expenses, or emoluments to be paid to each professional promoter, and a copy of the contract, if any, given each professional promoter;
- (J) An itemized financial statement showing all receipts and the disbursements thereof for one year immediately preceding the date of the filing of the application;
- (K) A statement to the effect that, if the permit is granted, it will not be used or represented in any way as an endorsement by the City of the solicitation conducted thereunder.

(Ord. 5998 § 61, 2008; Ord. 3860 § 1, 1995; Ord. 3333 § 2, 1988; Ord. 2235 § 3 (part), 1981; prior code § 5-13-3 (part))

6.22.040 Changes in application.

If, while any application is pending or during the term of any permit granted pursuant thereto, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Department in writing thereof within twenty-four hours after such change.

(Ord. 5998 § 62, 2008; Ord. 2235 § 3 (part), 1981; prior code § 5-13-3 (part))

6.22.050 Consideration by the Director.

- (A) Upon receipt of a completed application the Director shall issue a temporary solicitations permit pending review of the application. In deciding whether to issue a permanent solicitations permit, the Director shall determine whether or not:
 - (1) Each of the statements made in the application is true;
 - (2) The application is complete; and
 - (3) The applicant has violated any of the grounds provided in Section 6.02.330 et seq.
- (B) At the conclusion of its review with respect to an application, the Director shall make his findings with respect to each of the makers contained in Paragraphs (1) through (3) of

Subsection (A) and shall make his decision either to approve or to reject such application, which decision, if it is for rejection, shall set forth completely and with specificity the reasons therefor and the City shall promptly seek a declaratory judgment to the constitutionality of the Director's decision to deny the permit and restrain the solicitation. Until such judicial decision is rendered, the temporary permit issued when the completed application was first received by the Department pursuant to this Section shall remain in effect. If the decision is for approval of the application, the permit issued shall specify the time period, not to exceed one year for which the permit is valid.

(Ord. 5998 § 63, 2008; Ord. 3860 § 2, 1995; Ord. 3388 § 2, 1988; Ord. 3333 § 3, 1988; Ord. 2235 § 3 (part), 1981; prior code § 5-13-4)

6.22.055 Authority to set conditions.

The Director shall have the authority to set conditions on a permit which may include, but are not limited to, requiring the permittee to furnish each principal, agent, employee, promoter and solicitor a copy of a valid charitable solicitation permit stating the name of the organization conducting the solicitation, the type of solicitation, the purpose for which the contribution is to be used and the time when such solicitations are to be made, giving the dates for beginning and ending of such solicitation. A copy of the charitable solicitation permit shall be exhibited to every person solicited.

(Ord. 5998 § 64, 2008; Ord. 3860 § 3, 1995; Ord. 3388 § 3, 1988; Ord. 3333 § 7, 1988)

6.22.065 Permit—Display required.

Each permittee shall conspicuously display a currently valid permit in a prominent place at special events and locations where the solicitation for contributions is being conducted.

(Ord. 3333 § 6, 1988)

6.22.070 Report of receipts and costs.

Each permittee conducting a solicitation shall furnish to the Director within thirty days after the conclusion of the solicitation, a report showing the gross amount raised by the solicitation and showing an itemization of the costs of solicitation, including what was paid to each professional promoter and professional solicitor employed in such solicitation and the disposition of the balance of the contributions collected by the solicitation.

(Ord. 5998 § 65, 2008; Ord. 3333 § 4, 1988; Ord. 2235 § 3 (part), 1981; prior code § 5-13-8)

6.22.080 City access to books and records.

Each applicant and each permittee shall make available its books and records which relate to the financial information required by Section 6.22.030 (J) or the report required by Section 6.22.070 for audit by the Director or his authorized representative for the purpose of checking the accuracy of the financial information supplied.

(Ord. 2235 § 3 (part), 1981; prior code § 5-13-9)

6.22.090 Actions of subordinates.

Each permittee is responsible for and may be subject to disciplinary action for the acts and omissions done by its principals, agents, employees, promoters and solicitors.

(Ord. 2235 § 3 (part), 1981: prior code § 5-13-10)

6.22.100 Solicitation for other purpose.

No person shall solicit for any purpose other than the purpose approved for the permit under which he is acting.

(Ord. 2235 § 3 (part), 1981: prior code § 5-13-11(A))

6.22.110 Representation of City approval.

No person shall represent in connection with such solicitation that the issuance of the permit by the City constitutes an endorsement or approval of the purposes of such solicitation by the City or any officer or employee thereof.

(Ord. 2235 § 3 (part), 1981: prior code § 5-13-11(B))

6.22.120 Spending for undisclosed purpose.

No person shall use or disburse the funds collected under any permit for any purpose other than the purposes set out in the application for such permit.

(Ord. 2235 § 3 (part), 1981: prior code § 5-13-11(C))

6.22.130 False representation of purpose.

No person shall make any fraudulent or misleading representation to anyone being solicited respecting the purpose for which such funds are being solicited.

(Ord. 2235 § 3 (part), 1981: prior code § 5-13-11(D))

6.22.140 Disclosure of percentage actually for charity.

No person shall fail to disclose, upon request, to any person being solicited exactly what percentage of the funds to be given, paid or contributed by the person being solicited will go or be donated to the charitable or welfare purpose described on the permit.

(Ord. 2235 § 3 (part), 1981: prior code § 5-13-11(E))

6.22.150 Telephone solicitation.

Within the first thirty seconds of any solicitation by telephone, the person making the solicitation must identify himself by his full name, his business affiliation (if he is a professional promoter) and the name of the charitable organization on whose behalf the solicitation is being made.

(Ord. 3156 § 2, 1985)

6.22.160 Violations—Notice of revocation hearing.

Whenever the Director upon affidavit of supporting facts finds that a person holding a permit under this Chapter has violated or is violating Section 6.22.065 through Section 6.22.150, inclusive, the City shall notify the permittee by mail or personal service of process of such violation and seek judicial review of the violations. Should the court determine by appropriate legal standard that a violation has or is occurring, the court may issue an order allowing the City to revoke the solicitations permit.

(Ord. 5998 § 66, 2008; Ord. 3860 § 4, 1995; 2235 § 3 (part), 1981; prior code § 5-13-6 (A))

6.22.170 Violations—Hearing—Production of books and records.

At the hearing the permittee, or any other interested person, shall have the right to present evidence pertaining to the charges. Upon request of the Department the permittee shall produce the books and records relating to its solicitations required to be kept by this Chapter if they are pertinent to the matter under investigation.

(Ord. 5998 § 67, 2008; Ord. 3860 § 5, 1995; Ord. 2235 § 3 (part), 1981; prior code § 5-13-6 (B))

Las Vegas, Nevada, Code of Ordinances >> **Title 6 - BUSINESS TAXES, LICENSES AND REGULATIONS**
>> **CHAPTER 6.22 - CHARITABLE SOLICITATION** >> Article II. Professional Promoter License >>

Article II. Professional Promoter License

6.22.200 Required.

6.22.210 Application.

6.22.220 Fee.

6.22.230 Funds handling.

6.22.200 Required.

No person shall act as or engage in the business of a professional promoter without first obtaining and thereafter maintaining a valid unexpired license pursuant to this Code.

(Ord. 2235 § 3 (part), 1981; prior code § 5-13-12)

6.22.210 Application.

The application for a professional promoter's license shall be filed according to the provisions of Chapter 6.02 and shall be processed under the provisions of this Chapter; however, the applicant shall additionally set forth the general plan, character and method of conducting various charitable solicitations.

(Ord. 3860 § 6, 1995; Ord. 2235 § 3 (part), 1981; prior code § 5-13-13)

6.22.220 Fee.

Each professional promoter shall pay a semiannual license fee of one hundred dollars.

(Ord. 2235 § 3 (part), 1981; prior code § 5-13-15)

6.22.230 Funds handling.

- (A) No professional promoter shall commingle his personal funds with contributions collected through a charitable solicitation.
- (B) Every professional promoter shall establish a special trustee bank account for each charitable solicitation with which he is connected, into which shall be placed all money coming into his hands in connection with such solicitation.
- (C) Separate books or records shall be kept by a professional promoter for each solicitation, showing the amount of each contribution coming into his hands and the name of the person making such contribution. Such books or records shall also show all disbursements made of the contributions.
- (D) All such books, records and special trustee bank accounts shall be subject to audit by the Director or his representatives.

(Ord. 5998 § 68, 2008; Ord. 2235 § 3 (part), 1981; prior code § 5-13-14)

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>> CHAPTER 6.27 COMMERCIAL DANCE STUDIOS >>

CHAPTER 6.27 COMMERCIAL DANCE STUDIOS

6.27.010 Definitions.

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6.27.030 Dance instruction contract—Provisions.

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6.27.010 Definitions.

As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings that are ascribed to them as follows:

- (A) "Commercial dance instruction" means a program of lessons, procedures, guidance, teaching or training of a person by an owner, employee, agent, principal, representative or independent contractor of a commercial dance studio in which ballroom or other types of dancing is taught, the purpose of the instruction being primarily for self-improvement and such instruction is not performance oriented, and includes instruction and other services whether given to customers individually or in groups.
- (B) "Commercial dance studio" means any physical location or facility, regardless of its size, of an independent or a national or state-wide commercial, for profit, dance organization, business, company or corporation at which or in which commercial dance instruction is offered or conducted.
- (C) "Contract for commercial dance instruction and other services" means an agreement between a customer and a commercial dance studio for commercial dance instruction.
- (D) "Customer" means a person who enters into a contract for commercial dance instruction and other services with a commercial dance studio.
- (E) "Educational dance instruction" means:
 - (1) A program of instruction which meets all of the following criteria:
 - (a) The person who or organization which provides the instruction employs no more than three instructors;
 - (b) A gross amount of not more than one hundred thousand dollars per year is received from contracts or fees for services;
 - (c) The program gives instruction primarily to persons under the age of eighteen;
 - (d) The program gives instruction in ballet, tap or other performance-oriented forms of dance; and
 - (e)

The program is not affiliated with or franchised by any independent or national or statewide commercial, for profit, dance organization, business, company, corporation or studio;

- (2) A program of dance instruction which operates under the auspices of a recognized nonprofit performing dance organization, including without limitation conservatory or academy instruction by ballet companies, modern dance companies, theatrical dance academies or similar organizations; and
 - (3) A program of dance instruction which is operated by any park or recreation agency, community arts nonprofit organization or local arts agency.
- (F) "Instructor" means the owner, principal, occupant or lessee of a commercial dance studio or any of his or her employees, agents, representatives or independent contractors who trains customers in commercial dance instruction.
- (G) "Seller" means the owner, principal, occupant or lessee of a commercial dance studio or any of his or her employees, agents, representatives or independent contractors who solicits commercial dance instruction business on behalf of the commercial dance studio.

(Ord. 3369 §§ 1 (part), 2, 1988)

6.27.020 License requirements.

- (A) It is unlawful for any person to commence, engage in or carry on a business of commercial dance instruction without first obtaining and thereafter maintaining a valid unexpired license pursuant to this Chapter.
- (B) Every commercial dance studio that is in existence and licensed on August 7, 1988, shall have sixty days thereafter in which to comply with the provisions of this Chapter.
- (C) In addition to the information that is required by LVMC Chapter 6.02, an applicant for a commercial dance studio license shall provide the Director with the following information:
 - (1) A completed personal history questionnaire, a personal financial questionnaire, and an applicant's release of information form of all principals of the business;
 - (2) Exact copies of all sales presentations that will be used, including without limitation the initial sales and renewal sales presentations and any financial information that will be requested from the purchaser;
 - (3) An exact copy of the contract for commercial dance instruction and other services that will be used by the commercial dance studio for a course in commercial dance instruction.
- (D) Each commercial dance studio instructor and seller, before commencing his or her employment as such, shall obtain, and shall at all times thereafter, during the course of such employment, maintain a work card that has been issued by Metro in accordance with the procedures and requirements of LVMC Chapter 6.86

(Ord. 5998 § 71, 2008; Ord. 3369 §§ 1 (part), 3, 1988)

6.27.030 Dance instruction contract—Provisions.

- (A) Every contract for commercial dance instruction or other services, or both, shall be in writing and shall be subject to the provisions of this Chapter, and a copy of the written contract shall be given to the customer at the time he or she signs the contract.
- (B) No contract for commercial dance instruction or other services, or both, shall require the payment by a customer of any amount in excess of two thousand five hundred dollars.

- (C) No contract for commercial dance instruction or other services shall require the payment therefor or the financing thereof by the customer over a period of time in excess of twenty-five months after the date on which the customer executes the contract, nor shall the term of any such contract be measured by the life of the customer. However, the instruction or other services, or both, to be rendered to the customer under the contract may extend over a period of time not to exceed five years after the date on which the customer executes the contract.
- (D) Each contract for commercial dance instruction or other services, or both, which may be in effect between the same seller and the same customer, the terms of which overlap for any period, shall be considered as one contract for the purposes of this Chapter.
- (E) Each contract for commercial dance studio instruction or other services, or both, shall provide that performance of the agreed-upon instructions will begin within three months after the date on which the customer executes the contract.
- (F) Each contract for commercial dance studio instruction or other services, or both, shall further provide that such contract may be cancelled at any time after the customer has received his or her copy thereof by the customer's depositing with the United States Postal Service, properly addressed to the commercial dance studio at the address that is stated in the contract and with postage prepaid, a notice of such cancellation, and the commercial dance studio shall, within ten days after its receipt of such notice, refund to the customer all of the moneys that have been paid pursuant to the contract less such amount as may have been paid for any dance studio instruction or other services, or both, that the customer received prior to the date of such cancellation. The contract may further provide, however, that, if thirty or more days shall have elapsed between the customer's receipt of his or her copy of the contract and deposit of the notice of cancellation with the United States Postal Service, the commercial dance studio shall be entitled to retain ten percent of the amount that would otherwise be required to be refunded.
- (G) Each contract for commercial dance studio instruction or other services, or both, shall contain a written statement of the hourly rate that will be charged for each type of lesson or service for which the customer has contracted. If the contract includes types of dance studio instruction or services which are sold at different per-hour rates, the contract shall contain separate hourly rates for each different type of lesson or service sold. All services for which the customer has contracted which are not capable of a per-hour charge shall be set forth in writing in specific terms. The statement shall be contained in the contract before the contract is presented to the customer for execution.
- (H) Each commercial dance studio that is subject to this Chapter shall include in each of its contracts for commercial dance instruction or other services, or both, a statement that the dance studio is bonded and that information concerning the bond may be obtained by writing to the Department. If the dance studio has elected to make a cash deposit in lieu of procuring a bond, the contract shall contain a description of the cash deposit.
- (I) No contract for commercial dance studio instruction or other services, or both, shall require or entail the execution of any note or series of notes by the customer which, when they are separately negotiated, will insulate any purchaser or purchasers of such note or notes from any right of action or defense which the customer may have against the commercial dance studio.
- (J) Each contract for commercial dance instruction or other services, or both, shall contain a clause that provides that if, by reason of the customer's disability or death, the customer is unable to receive all of the instruction or other services, or both, for which the customer has contracted, the disabled customer or the estate of the deceased customer, as the case may be, shall be relieved of the obligation of making any payment for the instruction or other

services, or both, other than those that were actually received prior to the onset of disability or the death of the customer. The contract shall further provide that, if the customer has prepaid any sum for the instruction or other services, or both, that portion of such sum as is allocable to the lessons or other services, or both, that the customer shall not receive shall be refunded to the disabled customer or to the deceased customer's personal representative, as the case may be, promptly upon the receipt by the commercial dance studio of written notification of such disability or death.

- (K) Notwithstanding the provisions of any contract to the contrary, whenever the contract price is payable in installments and the customer is relieved from making further payments or is entitled to a refund because of disability or death, or the deceased customer's personal representative, as the case may be, the disabled customer shall be entitled to receive a refund or refund of that portion of the cash price as is allocable to the lessons or other services, or both, that the customer did not actually receive.
- (L) Any contract for commercial dance instruction or other services, or both, which does not comply with the applicable provisions of this Chapter shall be void and unenforceable as contrary to public policy.
- (M) Any contract for commercial dance instruction or other services, or both, that is entered into in reliance upon any willful and false, fraudulent or misleading information, representation, notice or advertisement of the commercial dance studio, shall be void and unenforceable.

(Ord. 3369 §§ 1 (part), 4, 1988)

6.27.040 Dance instruction contract—Assignment.

No assignment of a contract for commercial dance instruction or other services, or both, shall operate to deprive the customer, as against the assignee thereof, of any right of action or defense that arises out of such contract which the customer has against the commercial dance studio regardless of whether or not the assignee acquires the contract in good faith and for value, unless the assignee provides the customer with a written notice of such assignment, setting forth the information that is required in this Section, and has not received from the customer, within thirty days after the deposit of such notice with the United States Postal Service, a written statement that sets forth any facts that may give rise to a right of action or defense by the customer against the commercial dance studio. A notice of assignment shall:

- (1) Be in writing and addressed to the customer at the address shown on the contract;
- (2) Identify the contract, including the name of the commercial dance studio and the customer;
- (3) Provide a description of the instruction or other services, or both;
- (4) State the balance that is due under the contract and the number and amount of the unpaid installments thereof; and
- (5) Inform the customer that, unless the customer shall, within thirty days after the date of the deposit of such notice with the United States Postal Service, notify the assignee with a written statement that sets forth any facts giving rise to a right of action or defense which the customer may have against the commercial dance studio, such right of action or defense shall not be effective against the assignee.

(Ord. 3369 §§ 1 (part), 5, 1988)

6.27.050 Bond required—Provisions.

- (A)

The applicant for a commercial dance studio license shall, before any license therefor may be issued, file, and, after the issuance thereof, shall maintain, with the Director a surety bond, which must be executed by a surety company that is authorized to do business in this State, in the penal sum of twenty-five thousand dollars, for the initial year of operation, and, thereafter, in the penal sum of twenty-five thousand dollars or an amount that is equal to twenty-five percent of the commercial dance studio's gross sales that are made by or in connection with its operation within the corporate boundaries of the City during its preceding year of operation, whichever amount is less. Such bond must first be approved as to form by the City Attorney and shall be conditioned upon:

- (1) The prompt payment by the licensee of the license fee that is imposed by this Chapter;
 - (2) The indemnification by the licensee of the City and all of the customers of the licensee against any loss that the City or any such customers may sustain by reason of any violation by the licensee of any of the provisions of this Chapter or by reason of any fraud or dishonesty on the part of the licensee; and
 - (3) The prompt refund by the licensee of any amount that is requested pursuant to any of the provisions of this Chapter or any of the provisions of a contract for commercial dance instruction or other services, or both, including without limitation any refund that is requested as a result of the failure on the part of the licensee to provide the commercial dance instruction or other services, or both, in accordance with the terms of any such contract.
- (B) The licensee annually shall file with the Director a declaration under penalty of perjury, signed by the licensee or a duly authorized officer or representative of the licensee, that states the studio's gross sales that are made by or in connection with its dance studio operations within the corporate boundaries of the City during its preceding year of operation. The information that is contained in the declaration shall not be subject to public inspection or disclosure.
- (C) In the event of any recovery under the bond, the licensee shall immediately restore the penal sum thereof to the amount that was originally required for the year of the licensee's operation in which such recovery was effected or shall file with the Director a substitute bond in the form and penal sum that was required for such year.

(Ord. 3369 §§ 1 (part), 6, 1988)

6.27.060 Exemptions.

This Chapter does not apply to any dance studio that offers exclusively educational dance instruction or to any commercial dance studio which does business on a cash basis only and requires or receives less than two hundred fifty dollars in advance payments from or on behalf of each customer for commercial dance instruction or other services, or both, which are to be rendered by the studio in the future, and such advance payments are not required or received by the studio from each customer more frequently than once every thirty days.

(Ord. 3369 §§ 1 (part), 7, 1988)

6.27.070 License fee required.

Each commercial dance studio shall pay a license fee that is based upon its gross sales that are made by or in connection with its operations within the corporate boundaries of the City for each six-month period of operation as determined by LVMC 6.02.180 to 6.02.200, inclusive, and 6.04.005.

(Ord. 3369 §§ 1 (part), 8, 1988)

Las Vegas, Nevada, Code of Ordinances >> **Title 6 - BUSINESS TAXES, LICENSES AND REGULATIONS**
>> **CHAPTER 6.34 DISTRESS MERCHANDISE SALES** >>

CHAPTER 6.34 DISTRESS MERCHANDISE SALES

6.34.010 Definition.

6.34.020 Exemptions.

6.34.030 Permit—Required.

6.34.040 Application—Contents.

6.34.050 Application—Action by Director.

6.34.060 Permit—Contents.

6.34.070 Permit—Effective for thirty days—Extension.

6.34.080 Permittee subject to restrictions.

6.34.090 Permit—Limitations.

6.34.100 Permit—Fee.

6.34.010 Definition.

Unless the context otherwise requires, "Distress merchandise sales" means any offer to sell or any sale of merchandise of any kind on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location or the forced moving of location of business or that the sale is being held under distress circumstances.

(Ord. 3019 § 2 (part), 1982; prior code § 5-14-1)

6.34.020 Exemptions.

The provisions of this Chapter do not apply to the following sales:

- (A) Sales made pursuant to an order or process of a court of competent jurisdiction;
- (B) Sales made for a public body in accordance with its powers and duties;
- (C) Auction sales conducted by a duly licensed auctioneer.

(Ord. 3019 § 2 (part), 1982; prior code § 5-14-3)

6.34.030 Permit—Required.

It is unlawful for any person to advertise or conduct a distress merchandise sale without a valid unexpired permit issued pursuant to this Chapter.

(Ord. 3019 § 2 (part), 1982; prior code § 5-14-2)

6.34.040 Application—Contents.

An application for a permit may only be made by a person who holds a valid business license for the type of goods to be sold. The application shall be made on forms suitable to the Director and filed with the Department not less than fifteen days prior to the proposed sale. The application shall set forth the following information:

- (A) The name and address of the owner of the goods, wares or merchandise to be the object of the sale and if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting such sale;
- (B) A full and complete statement of the facts regarding the distress merchandise sale, including the reason why such sale is being conducted and the proposed dates of the sale;
- (C) The means to be employed in advertising such sale, together with the content of any proposed advertisement;
- (D) An inventory of the goods, wares, and merchandise to be offered for sale shall be attached to and become a part of the required application;
- (E) The place where such stock was purchased or acquired and the terms and conditions of such acquisition, and in the case of stock placed upon the premises within ninety days prior to such sale, the time of acquisition of such stock.

(Ord. 3019 § 2 (part), 1982: prior code § 5-14-4)

6.34.050 Application—Action by Director.

Upon receipt of the application for a permit and the required fees, the Director shall approve, deny or take such other action with respect to such application as he considers appropriate. The Director may deny, revoke or suspend a permit for good cause, which includes but is not limited to:

- (A) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information required;
- (B) The proposed distress merchandise sale would interfere with the health, safety or general welfare of the public or constitute a breach of peace;
- (C) The proposed distress merchandise sale or the permittee fails to satisfy any qualification or requirement imposed by this Code, or other local, State or Federal law or regulation pertaining to such activities;
- (D) The applicant fails to comply with any conditions of his license or permit;
- (E) The inventory contains goods, wares or merchandise held by the applicant on consignment;
- (F) The applicant is or has been in violation of this Chapter or has had a permit issued to him pursuant to this Chapter revoked within a five year period immediately preceding the date of the present application for permit;
- (G) The inventory contains goods, wares or merchandise which were purchased by the applicant or added to his stock in contemplation of such sale, and for the purpose of selling the same at such sale.

For the purpose of this subparagraph, any unusual addition to the stock of such goods, wares or merchandise made within sixty days prior to the filing of such application shall be prima facie evidence that such addition was made in contemplation of such sale and for the purpose of selling the same at such sale;

- (H) Any representation made in said application is not true or any advertisement proposed to be used in connection with said sale is misleading.

(Ord. 3019 § 2 (part), 1982: prior code § 5-14-5)

6.34.060 Permit—Contents.

The permit shall specify the location at which the distress merchandise sale is to be conducted and the period of time, specifying the dates thereof, for which the permit is granted. It is unlawful for any permittee to conduct such sale at any place or at any time other than that specified in such permit.

(Ord. 3019 § 2 (part), 1982: prior code § 5-14-6)

6.34.070 Permit—Effective for thirty days—Extension.

The permit for a distress merchandise sale shall be issued for a period not to exceed thirty days. However, the Director for good cause may extend said permit for an additional period not to exceed thirty days, providing the permittee has submitted with an application for renewal a revised inventory showing the items listed on the original inventory remaining unsold.

(Ord. 3019 § 2 (part), 1982: prior code § 5-14-7)

6.34.080 Permittee subject to restrictions.

The permittee, in conducting a distress merchandise sale, shall:

- (A) Sell or offer for sale as distressed merchandise only those goods, wares and merchandise described in the inventory submitted with his application for a permit;
- (B) Prominently display the permit at the authorized place of sale;
- (C) Keep suitable records during and at the location of the sale, in which shall be made daily entries showing each item sold that day and the price paid by the purchaser. Said records shall be open for inspection by the Director or his designated representative;
- (D) Segregate any other goods apart from the goods listed in the filed inventory as being objects of the distress sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods;
- (E) Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto and refrain from employing any untrue, deceptive or misleading advertising;
- (F) Include in all advertising the number of the distress merchandise sale permit, the beginning date of sale, and the ending date of said sale.

(Ord. 3019 § 2 (part), 1982: prior code § 5-14-8)

6.34.090 Permit—Limitations.

Where the applicant operates more than one place of business the permit issued shall apply only to the one store or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the permitted sale, nor shall the store or branch conducting the sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the permitted sale.

(Ord. 3019 § 2 (part), 1982: prior code § 5-14-9)

6.34.100 Permit—Fee.

The licensee must pay in advance a permit fee of one hundred fifty dollars before the permit authorized by this Chapter is issued.

(Ord. 3019 § 2 (part), 1982; prior code § 5-14-11)

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>> CHAPTER 6.39 FOOD CATERERS >>

CHAPTER 6.39 FOOD CATERERS

6.39.010 Food caterer defined.

6.39.020 License—Required.

6.39.030 Food caterer permit.

6.39.040 Food caterer permit—Application.

6.39.050 Food caterer permit—Issuance.

6.39.060 Fee.

6.39.010 Food caterer defined.

As used in this Chapter, unless the context otherwise requires, "food caterer" means a business that completely or partially prepares food at a fixed business location for delivery by vehicle to a location off the business premises for serving and consumption purposes.

(Ord. 4052 § 2, 1997)

6.39.020 License—Required.

Except as otherwise provided in this Chapter, no person shall engage in the business of a food caterer without first obtaining and thereafter maintaining a valid unexpired license pursuant to this Code.

(Ord. 4052 § 3, 1997)

6.39.030 Food caterer permit.

Any person licensed by the City of North Las Vegas, City of Henderson or the County to provide food catering services from a fixed business location within that jurisdiction is not required to have a valid unexpired license to provide food catering services in the City; provided, however, that such person first has applied for, and has been issued, a food caterer permit to provide food catering services at an event in accordance with the provisions of Section 6.39.040 of this Chapter.

(Ord. 4052 § 4, 1997)

6.39.040 Food caterer permit—Application.

Applicants for a permit to provide food catering services shall comply with the following provisions:

- (A) The application shall be made to the Department on forms provided by it, not less than three days prior to the proposed event unless otherwise authorized by the Director of the Department or his or her designee upon the applicant showing the impracticability of his or her compliance with the advance filing requirement.
- (B) The application shall set forth the following information:

- (1) Name and address of the applicant;
 - (2) Date, hour, address and description of the event;
 - (3) Approximate number of persons to be in attendance; and
 - (4) The name of the sponsor of the event.
- (C) Each event requires a separate permit.
- (D) A nonrefundable fee of ten dollars for each permit requested must be paid when the application is filed.

(Ord. 4052 § 5, 1997)

6.39.050 Food caterer permit—Issuance.

The Director of the Department may issue a permit to provide food catering services to an applicant if the Director finds there is compliance with the following provisions:

- (A) The food catering services will be provided in accordance with the requirements of the Health District.
- (B) The permit shall state the date, hours, and location of the food catering services permitted. Any food catering services at times or places beyond that stated in the permit shall be grounds for disciplinary action.
- (C) The food catering services will be performed consistent with this Chapter and in such a manner as to pose no threats to the general health, safety, welfare or morals of the inhabitants of the City.
- (D) The food catering permit application requirements of Section 6.39.040 of this Chapter have been met.

(Ord. 5998 § 86, 2008; Ord. 5386 § 6, 2001; Ord. 4052 § 6, 1997)

6.39.060 Fee.

Each person required to be licensed by this Chapter shall pay in advance a semiannual license fee based on gross sales as specified in LVMC 6.04.005.

(Ord. 4052 § 7, 1997)

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>> CHAPTER 6.72 RETAIL DEMONSTRATION MERCHANDISE SALES STORES >>

CHAPTER 6.72 RETAIL DEMONSTRATION MERCHANDISE SALES STORES

- 6.72.010 Definitions.
- 6.72.020 Regulation—Compliance with Code.
- 6.72.030 License—Required.
- 6.72.050 Bond.
- 6.72.070 Demonstrator license.
- 6.72.080 Store license fee.
- 6.72.090 Location restrictions—Special use permit.
- 6.72.110 Ledger requirements.
- 6.72.120 False offers to purchase.
- 6.72.130 False representation.
- 6.72.140 Substitution of articles.
- 6.72.150 Jewelry tag—Required—Content.
- 6.72.160 Jewelry tag—Reading before sale.
- 6.72.170 Posting name of licensee.
- 6.72.180 Refunds—Right of purchaser.
- 6.72.190 Refunds—Sign in store.

6.72.010 Definitions.

Whenever used in this Chapter, the following words shall have the meaning described in this Section, unless the context clearly indicates a different meaning:

- (A) "Demonstrator" means any individual who presents, demonstrates, sells, offers or agrees to sell, or sets the price for any goods, wares, or merchandise that is demonstrated, offered or sold to any person while attending or patronizing a retail merchandise demonstration sales store.
- (B) "Jewelry" means any goods, wares, or merchandise customarily kept in retail jewelry stores for sale, including but not limited to, precious and semi-precious stones and imitations thereof, whether sold or offered for sale with or without settings, watches, rings, bracelets, necklaces or articles made in whole or in part of gold, silver, platinum or other precious or semi-precious metals whether solid, plated or overlaid.
- (D) "Retail demonstration merchandise sales store" means a person in the business of selling goods, wares or merchandise by utilizing a demonstrator who presents and demonstrates such goods, wares or merchandise to an assembled group of three or more persons, sets the price of the article to be sold, and then agrees to sell the article to persons willing to pay the set price, and/or a person who advertises or holds himself out as a demonstration place or showroom for the sale of goods, wares or merchandise.

(Ord. 2148 § 2 (part), 1981; prior code § 5-36-1)

6.72.020 Regulation—Compliance with Code.

The City Council finds that, unless regulated strictly, the business of retail demonstration merchandise sales stores can be deceptive, fraudulent or misleading to many members of the public patronizing such business and that such businesses must therefor comply with Chapter 6.06.

(Ord. 5998 § 122, 2008; Ord. 2286 § 2, 1982; prior code § 5-36-2)

6.72.030 License—Required.

No person shall engage in the business or act as a demonstrator for a retail demonstration merchandise sales store without first obtaining and thereafter maintaining a valid unexpired license therefor as provided in this Code.

(Ord. 2286 § 3, 1982; prior code § 5-36-3)

6.72.050 Bond.

No license to conduct a business as a retail demonstration merchandise sales store shall be granted unless and until the applicant has filed with the Department a surety bond in the sum of twenty-five thousand dollars and with surety acceptable to and approved by the City Attorney. Such bond shall be conditioned that said licensee shall faithfully observe and comply with the provisions of this Chapter at all times during the continuance of such license, and conditioned further to indemnify, keep, save and hold harmless the City, or any other person, against all liabilities, judgments, costs, damages and expenses which the City, or any other person, may incur as a consequence of the issuance of said license, or by reason of any act or failure to act by said licensee, or by the failure or neglect of such licensee to observe and comply with this Code and with any State or Federal law.

(Ord. 5998 § 123, 2008; Ord. 2148 § 2 (part), 1981; prior code § 5-36-6)

6.72.070 Demonstrator license.

The semiannual license fee for each demonstrator shall be one hundred fifty dollars. This license fee is not pro-ratable and the license is nontransferable. The demonstrator's license must be in the possession of the licensee at any time the licensee is acting as a demonstrator.

(Ord. 2148 § 2 (part), 1981; prior code § 5-36-4)

6.72.080 Store license fee.

The semiannual license fee for any person engaged in the business of operating a retail demonstration merchandise sales store is five hundred dollars or five percent of gross sales, whichever is greater, to be collected in accordance with the provisions of Section 6.02.180 et seq. The City Council declares that the cost of regulation of this kind of business is greater than normal because continuous inspections are required, thereby requiring the employment of additional inspectors by the Department.

(Ord. 5998 § 124, 2008; Ord. 2148 § 2 (part), 1981; prior code § 5-36-5)

6.72.090 Location restrictions—Special use permit.

- (A) The retail demonstration merchandise sales store license shall specify the location where such sales are to be conducted and the period of time, specifying the dates thereof, for which

the license is effective. It shall be unlawful for any licensee to conduct a retail demonstration merchandise sale at any place or at any time other than that specified on his license.

- (B) Licenses shall be issued only in connection with a special use permit and only in zones where businesses of this type are permitted. No license shall be issued for a business location in the district bounded by the Union Pacific Railroad tracks on the west, Bonanza Road on the north, Eighth Street on the east and Bridget Avenue on the south.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-7)

6.72.110 Ledger requirements.

- (A) Every retail demonstration merchandise sales store licensee shall keep accurate ledgers in which shall be delineated an inventory, in a clear, legible manner, or:
- (1) All goods received at such store;
 - (2) Date of receipt;
 - (3) The cost price to the licensee of all goods, including goods purchased by said licensee on consignment for purposes of sale together with the name and address of the vendor;
 - (4) The names and addresses of the purchasers at the demonstration of sale;
 - (5) The date sold and the price paid by the purchaser together with detailed description of each article so sold.
- (B) The records shall be open to inspection during normal business hours by the Director of the Department or the Director's duly authorized enforcement officers.

(Ord. 5998 § 125, 2008: Ord. 2148 § 2 (part), 1981: prior code § 5-36-9)

6.72.120 False offers to purchase.

It shall be unlawful for any demonstrator to accept other than bona fide purchase offers during the time the demonstration sale is being conducted.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-10)

6.72.130 False representation.

It shall be unlawful for any demonstrator in describing the merchandise that he is offering to any prospective purchaser at a price fixed by the demonstrator to directly or indirectly, either by verbal or written statement or advertisement, make any false representation as to the exact and correct material quality, condition, and value as well as the ownership and/or manufacturer of the merchandise.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-11)

6.72.140 Substitution of articles.

It shall be unlawful for any person to substitute another article for the article being demonstrated and all articles of merchandise that are being sold must, at all times, be kept within sight of the purchaser until delivered to his possession.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-12)

6.72.150 Jewelry tag—Required—Content.

Each article of jewelry offered for sale by a retail demonstration merchandise sales store shall have attached securely thereto a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal or other substance of which the article is made and the weight, karat, and percentage of purity thereof.

- (A) If the article is plated or overlaid, then the tag or label shall contain a true statement of the kind of metal or material under the plating.
- (B) If the article is in whole or part a precious, semiprecious, synthetic, or imitation stone, the statement shall contain the name, weight, quality and color of such stone, and synthetics and imitations shall be described as such.
- (C) If the article is a watch, the statement shall also contain the true name of the manufacturer thereof, the country of manufacture, and the number of jewels. If a watch consists of old works in a new case, or if any article of jewelry consists of any old or secondhand parts, this fact shall be set forth in the statement.
- (D) The tag or label shall remain securely attached to every article sold without any erasure, defacement or obliteration until after the article has been delivered and received by the customer.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-13)

6.72.160 Jewelry tag—Reading before sale.

Before offering to sell any article of jewelry, the demonstrator shall read, in such a manner as to be readily heard and understood at any place in the room where the demonstration sale is being conducted, the description of the article as it appears on the label or tag attached thereto.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-14)

6.72.170 Posting name of licensee.

Every licensee, whether a demonstrator or a licensee of a retail demonstration merchandise sales store, must have his name prominently displayed on or in the place of business in print of at least four inches in height so that the name can be easily read by the customers.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-15)

6.72.180 Refunds—Right of purchaser.

It shall be unlawful for any licensee of a retail demonstration merchandise sales store to refuse to refund or return the money, check or other evidence of indebtedness within twenty-four hours after demand therefor to the person who has purchased an article of merchandise from said licensee when demand has been made for the return of the money, check or other evidence of indebtedness within seventy-two hours after the purchase, provided that the purchaser returns the article or merchandise to the place of purchase in the same condition as it was in when purchased.

(Ord. 2148 § 2 (part), 1981: prior code § 5-36-16)

6.72.190 Refunds—Sign in store.

The licensee in a retail demonstration merchandise sales store shall display, at all times, a sign on the licensed premises of at least eighteen inches by eighteen inches with printing approximately one inch in height by one inch in width for each letter stating: "CASH REFUNDS

WITHIN 24 HOURS IN FULL AMOUNT OF PURCHASE IF DEMAND MADE WITHIN 72 HOURS OF PURCHASE."

(Ord. 2148 § 2 (part), 1981; prior code § 5-36-17)

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-3 - For Possible Action - Deletes certain work card requirements in multiple chapters of LVMC Title 6, amends multiple chapters of LVMC Title 6 related to work card requirements, and establishes a hearing panel to hear work card appeals. Sponsored by: Councilman Bob Beers

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will eliminate or revise the work card requirements for employees in various licensing categories. It will also establish a hearing panel to hear work card appeals as authorized by State law.

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. 2014-3

BILL NO. 2014-3

ORDINANCE NO. _____

AN ORDINANCE TO DELETE CERTAIN WORK CARD REQUIREMENTS IN MULTIPLE CHAPTERS OF LVMC TITLE 6, AMEND MULTIPLE CHAPTERS OF LVMC TITLE 6 RELATED TO WORK CARD REQUIREMENTS, ESTABLISH A HEARING PANEL TO HEAR WORK CARD APPEALS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Beers

Summary: Deletes certain work card requirements in multiple chapters of LVMC Title 6, amends multiple chapters of LVMC Title 6 related to work card requirements, and establishes a hearing panel to hear work card appeals.

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

SECTION 1: 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

1 to care for one or more children who reside there. Each principal of the business and each employee that
2 provides care must obtain a work card pursuant to LVMC Chapter 6.86 and a health card pursuant to
3 regulations of the Health District.]

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

- 6 (A) Solicit bail transactions;
- 7 (B) Execute or countersign undertakings of bail;
- 8 (C) Pledge currency, money orders or cashier's checks as security for a bail bond in
9 connection with judicial proceedings and receive or be promised money or other things of value therefor;
- 10 (D) Enforce the terms and conditions of a defendant's release from custody on bail in a
11 criminal proceeding; or
- 12 (E) Locate, apprehend, or surrender a defendant to custody. Each bail agent and bail
13 enforcement agent is required to have an appropriate State license issued in accordance with NRS Chapter
14 697 before doing business in the City.

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

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

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

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

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

1 representative.

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

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

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

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

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

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

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

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

25 **[Youth employment organization**, which is any for-profit or nonprofit organization whose primary
26 purpose is to hire minors to sell a product or service, either door-to-door or at a fixed location. Principals of

1 an organization must obtain a work card pursuant to LVMC Chapter 6.86. Each organization must comply
2 with State Labor Commission regulations and must first obtain the written consent of the parent or legal
3 guardian of each minor before they are hired.]

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

6 **6.06B.085:** The following persons are required to secure work cards in accordance with LVMC 6.86:

7 (A) [All] Except as provided for in Subsection (C), all security guards working in or
8 employed by an adult nightclub must obtain a work card pursuant to LVMC 6.86. In addition to the
9 grounds stated in LVMC 6.86, a work card may be denied for conviction of assault, battery, fraud or
10 conspiracy to commit any such crime. Security guards in adult nightclubs shall not carry firearms, knives,
11 nightsticks, clubs, or chemical or electronic weapons.

12 (B) All owners if applicants are individual; stockholders owning ten percent or more
13 stock, officers and directors, if applicant is a corporation; and partners, including limited and general
14 partners, if applicant is a partnership; and manager or other person principally in charge of the operation of
15 the business, must obtain a work card from the Las Vegas Metropolitan Police Department, as required in
16 LVMC 6.86. A work card may be denied for any grounds set out in LVMC 6.86. A work card may be
17 denied for any grounds set out in LVMC 6.06B.060(C)(1) or (3) or LVMC 6.06B.080(B).

18 (C) Those security employees that are licensed or registered under NRS 648.060 are
19 exempt from the work card requirement, but such persons must have their State-issued registration work
20 card that includes a photo ID on their person during the act of performing security duties at the adult
21 nightclub where employed. The employer is responsible for maintaining, and making available for
22 inspection by the Department or Metro, or both, a list of such employees, including names, registry
23 numbers and registration expiration dates.

24 SECTION 3: Title 6, Chapter 9, Section 20, of the Municipal Code of the City of Las
25 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.09.020:** (A) The operator of an apartment house must obtain and maintain a business license to

1 operate any apartment house. In addition, but subject to the remaining provisions of this Section, the
2 operator must complete a landlord training program.

3 (B) The landlord training requirement of Subsection (A) of this Section does not apply
4 to any operator of an apartment house that is or will be managed by a licensee who is in compliance with
5 the requirements of Subsection (C) of this Section.

6 (C) Independent of the requirement set forth in Subsection (A), any person who is in
7 the business of managing one or more apartment houses on behalf of others must:

8 (1) Obtain and maintain a business license to manage apartment houses; and

9 (2) Complete a landlord training program; ; and

10 (3) Obtain and maintain a valid work card pursuant to LVMC Chapter 6.86.]

11 (D) Any employee or agent of a licensee under this Section who acts as the on-site
12 manager of an apartment house must have completed a landlord training program; [and must have a valid
13 work card issued under LVMC Chapter 6.86.]

14 (E) At any given time with respect to each apartment house:

15 (1) The licensed manager, if any, must have completed a landlord training
16 program; [and possess a valid work card.]

17 (2) Any on-site manager who is the employee of a licensee must have
18 completed a landlord training program; [and possess a valid work card.]

19 (3) In the case of an apartment house which does not have a manager, at least
20 one person who qualifies as the operator of the apartment house must have completed a landlord training
21 program.

22 (F) Although not otherwise obligated under this Chapter, a person who owns an
23 apartment house or the land on which the apartment house is located but who is not engaged in the
24 operation or management of the apartment house is responsible to ensure that at least one person qualifying
25 as an operator of the apartment is available for purposes of complying with the licensing, fee payment, and
26 training requirements of this Chapter.

1 (G) A business license under this Chapter may be withheld pending an applicant's
2 completion of the landlord training program or may be conditioned upon such completion.

3 SECTION 4: Title 6, Chapter 10, Section 83, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.10.083:** Any person in the employ of an amusement park, whether a full-time or part time
6 employee or trainee, and whether or not paid, [must possess a valid work card issued by Metro and,] must
7 comply with all applicable health card requirements of the Health District prior to the commencement of
8 work.

9 SECTION 5: Title 6, Chapter 19, Section 30, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

11 SECTION 6: Title 6, Chapter 35, Section 80, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.35.080:** (A) [No] Except as provided for in Subsection (B), no person shall work at an erotic
14 dance establishment without a valid work card.

15 (B) Those security employees that are licensed or registered under NRS 648.060 are
16 exempt from the work card requirement, but such persons must have their State-issued registration work
17 card that includes a photo ID on their person during the act of performing security duties at the erotic dance
18 establishment where employed. The employer is responsible for maintaining, and making available for
19 inspection by the Department or Metro, or both, a list of such employees, including names, registry
20 numbers and registration expiration dates.

21 SECTION 7: Title 6, Chapter 50, Section 440, of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.50.440:** (A) It is unlawful for any of the following persons to be employed in, [or to] engage in,
24 [or] participate in, or supervise [in] the retail sales of alcoholic beverages for on or off premises
25 consumption without having in his or her possession a valid work card for alcoholic beverages issued
26 pursuant to LVMC Chapter 6.86:

1 [(A)] (1) Any person employed in the management of a licensed business
2 establishment who has not been investigated and approved as a principal or key employee, unless such
3 employment has been approved by the Director under a temporary license during the pendency of such
4 temporary license;

5 [(B) Any person who pours or serves alcoholic beverages for on premises consumption;

6 (C) Any person who accepts payment for, or monitors, the sale or delivery of alcoholic
7 beverages for off premises consumption; or

8 (D) Any person who performs the role of security, including the maintaining of order
9 within the business, the verification of identification, and the enforcement of other policies established and
10 maintained by the licensee.]

11 (2) Any person who exercises supervision and control of, and establishes
12 policies for, an alcoholic beverage establishment;

13 (3) Any person who pours alcoholic beverages for on-premises consumption,
14 or who serves as a bartender or its functional equivalent;

15 (4) Any employee of an alcoholic beverage caterer licensed under Section
16 6.50.025 who is authorized by the licensee to exercise supervision and control of, and to establish policies
17 for, a catered event; or

18 (5) Any person authorized to supervise the sale or distribution of alcoholic
19 beverages in connection with a time-limited special event license pursuant to Sections 6.50.200 or
20 6.50.205.

21 (B) Those bartenders, alcohol servers and security employees that are registered with
22 the Nevada State Gaming Board for nonrestricted gaming at the location employed are exempt from the
23 work card requirement. The employer is responsible for maintaining and making available a Nevada State
24 Gaming Board registry on the premises for inspection by the Department or Metro.

25 SECTION 8: Title 6, Chapter 53, Section 60, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby deleted in its entirety.

1 SECTION 9: Title 6, Chapter 60, Section 70, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby deleted in its entirety.

3 SECTION 10: Title 6, Chapter 62, Section 20, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby deleted in its entirety.

5 SECTION 11: Title 6, Chapter 80A, Section 60, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.80A.060:** [(A)] If the operation of a temporary merchant requires a temporary commercial permit
8 pursuant to LVMC [19.18.100,] 19.16.160, the applicant shall file, along with the application for a
9 temporary merchant permit, written evidence that a temporary commercial permit has been obtained.

10 [(B) An applicant for a temporary merchant permit who does not possess a valid
11 business license will be referred to Metro to obtain a work card pursuant to LVMC Chapter 6.86. Approval
12 of the work card must be obtained before issuance of a temporary merchant permit.]

13 SECTION 12: Title 6, Chapter 86, Section 10, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.86.010:** Unless the context otherwise requires, the following words used in this Chapter shall have
16 the meaning ascribed to them as follows:

17 "Department" means the Department of Planning.

18 "Director" means the Director of Planning and those persons authorized to act in the Director's behalf.

19 "Hearing panel" means the administrative body designated by the City Council to conduct work card
20 appeals pursuant to Section 6.86.155.

21 "Metro" means the Las Vegas Metropolitan Police Department.

22 "Qualified agent" means a principal of the employer or a representative of a non-restricted gaming
23 licensee's human resources department.

24 "Referral slip" means a written statement signed and dated by a designated authorized agent of an employer
25 which contains the name and address of a person who needs a work card to engage in the employment
26 offered to him by the employer and a description of the kind of employment offered.

1 “Work card” means a card issued by Metro which authorizes the holder to be employed in the capacity as
2 specified on the card and contains a photograph and other identification of the holder.

3 SECTION 13: Title 6, Chapter 86, Section 70, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.86.070:** (A) Each applicant for an original work card, or for a renewal or replacement thereof,
6 shall pay to Metro the non-refundable fees that pertain to that card. The fee amounts shall be in accordance
7 with a fee schedule that has been approved by Metro’s Committee on Fiscal Affairs.

8 (B) Each applicant shall pay the fee established by Metro for the investigation of an
9 application for a work card, whether the application is approved or denied. Such fee is a collectible debt
10 owed to Metro and must be paid in full before a work card will be issued.

11 (C) In the case of an appeal from the denial, suspension or revocation of a work card,
12 the appellant shall pay to the Department pay an appeal fee of fifty dollars.

13 SECTION 14: Title 6, Chapter 86, Section 90, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.86.090:** A work card shall expire five years from the date it is issued unless otherwise designated
16 by Metro, a hearing panel in case of appeal, the City Council or this Code.

17 SECTION 15: Title 6, Chapter 86, Section 110, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.86.110:** Metro may deny the issuance or renewal of a work card or suspend or revoke a work card
20 for the following reasons:

21 (A) The application is incomplete or the applicant or holder has made false, misleading
22 or fraudulent statements with respect to any material information contained in the application;

23 (B) The applicant has, within ten years of the date of the referral slip, been adjudicated
24 guilty in a court of competent jurisdiction of any offense defined by NRS 179D.097 as a sexual offense.

25 [(B)] (C) [The applicant or holder is currently under investigation regarding, has committed,
26 or has been convicted of any crime involving moral turpitude. For purposes of this Subsection, an

1 applicant or holder is currently under investigation during the period of time from the original charge
2 regarding a crime until adjudication of that charge, and crimes of moral turpitude are those crimes which
3 necessarily involve an intent to defraud, intentional dishonesty for personal gain, intentional causing of
4 serious injury to another person, sale of narcotics, possession of narcotics with intent to sell or any
5 sex-related crime;] The applicant has, within seven years of the date of the referral slip, been adjudicated
6 guilty in a court of competent jurisdiction of a felony crime involving violence, theft, or fraud; the sale,
7 possession, distribution or use of a controlled substance; or a law of any other jurisdiction which prohibits
8 the same or similar conduct;

9 (D) The applicant has, within three years of the date of the referral slip, been
10 adjudicated guilty in a court of competent jurisdiction of a gross misdemeanor crime involving violence,
11 theft, or fraud; the sale, possession, distribution or use of a controlled substance; or law of any other
12 jurisdiction which prohibits the same or similar conduct;

13 (E) The applicant has, within three years of the date of the referral slip, been
14 adjudicated guilty in a court of competent jurisdiction of any crime not included within Subsection (B) or
15 (C) involving deceptive trade practices, consumer fraud, intent to defraud, fraudulent advertising, or other
16 illegal business practices related to the nature or conduct of the business for which the referral form is
17 made;

18 (F) A work card for the applicant has been previously denied, suspended or revoked
19 within one year of the date of referral form, or the renewal thereof has been denied by the City or any other
20 jurisdiction with one year of the date of the referral slip;

21 [(C)] (G) The applicant or holder fails to meet age or other requirements for the particular
22 employment as may be set forth in this Code, or State and Federal laws or regulations;

23 [(D)] (H) The applicant or holder illegally resides in the United States;

24 [(E)] (I) The applicant or holder has been subject to a revocation, suspension, or other
25 disciplinary action against a business license or work card or permit in Nevada or any other jurisdiction to
26 the extent that such disciplinary action reflects upon the fitness of the applicant or holder to have a work

1 card;

2 [(F)] (J) The applicant or holder has worked for an employer without a work card when one
3 was required;

4 (K) The applicant or holder has been convicted in a criminal court, or adjudicated
5 guilty of a civil violation by a hearing officer, of selling alcohol to a minor on more than one occasion; or

6 [(G)] (L) Where substantial information exists showing the applicant or holder to be
7 dishonest or corrupt.

8 SECTION 16: Title 6, Chapter 86, Section 130, of the Municipal Code of the City of Las
9 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.86.130:** [Other than regarding a sex related crime, for which no time restriction is imposed, the
11 period of time for review of an applicant's criminal history shall date back ten years from the date of
12 application for the work card, unless the same crime has been committed more than once during the
13 applicant's adulthood, in which case no time restriction applies to that crime.] The period of time for review
14 of an applicant's criminal history shall date back for a time period consistent with the provisions of LVMC
15 6.86.110.

16 SECTION 17: Title 6, Chapter 86, Section 150, of the Municipal Code of the City of Las
17 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.86.150:** (A) Except as otherwise provided in Subsection (C), any applicant aggrieved by a
19 decision of Metro with respect to the issuance, renewal, denial, revocation or suspension of a work card
20 may appeal such decision within ten days to the [City Council] hearing panel by filing with the Department
21 a written notice of appeal identifying with specificity the errors of law or fact that the applicant believes
22 were made in connection with Metro's decision.

23 (B) The [City Council or] hearing panel shall hear the applicant within [forty-five]
24 sixty days of the filing of the appeal, subject to the requirements of the Nevada open meeting law. Upon
25 the filing of an appeal, Metro may issue a temporary work card which will be revoked or become
26 permanent upon the final decision of the [City Council] hearing panel.

1 (C) In the case of a decision by Metro which is based upon the unemployability of a
2 person pursuant to NRS 648.060(3)(d), the decision is appealable only by means of petition to the State of
3 Nevada District Court.

4 (D) In addition to any written briefs, exhibits or other documentation submitted on
5 behalf of the applicant's appeal, the applicant or his or her legal counsel shall attend, make an opening
6 statement and be prepared to make oral arguments to the [City Council] hearing panel in support of the
7 appeal. Any criminal history of the applicant relied on by Metro as a basis for its denial, suspension or
8 revocation of the applicant's work card and referenced by the applicant during his or her appeal shall
9 become part of the public record and may be openly discussed during the appeal hearing.

10 (E) As provided by Section 2.130 of the City Charter, upon a denial of an appeal by
11 the hearing panel, the appellant may request an appeal of the denial to be heard, de novo, by the City
12 Council. Such request must be made to the Director within ten calendar days of the hearing upon which the
13 appeal was denied by the hearing panel. If an appellant fails to appeal within such time period, the
14 appellant is barred from any review of such matter by the City Council.

15 SECTION 18: Title 6, Chapter 86, of the Municipal Code of the City of Las Vegas,
16 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 155, reading as
17 follows:

18 **6.86.155:** In accordance with Section 2.130 of the City Charter, a hearing panel is designated by the
19 City Council to hear work card appeals, as follows:

20 (A) The City Council shall appoint three persons for the purpose of hearing work card
21 appeals.

22 (B) The Director, or designee, shall serve as Secretary of the hearing panel, and shall
23 be responsible for the affairs of the panel.

24 (C) The term of each member shall be two years.

25 (D) Members may be removed by a majority vote of the City Council.

26 (E) The hearing panel shall provide for the conduct of its business by appropriate rules

1 and regulations within the intent and meaning of the City Charter and this Chapter.

2 (F) The hearing panel shall hold regular meetings in accordance with the rules and
3 regulations adopted by this panel.

4 (G) A chairman for the hearing panel shall be elected by the members for a term of one
5 year by a majority vote of the members.

6 SECTION 19: Title 6, Chapter 86, of the Municipal Code of the City of Las Vegas,
7 Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 200, reading as
8 follows:

9 **6.86.200:** (A) The City Council or hearing panel may direct the issuance of a temporary work
10 card for an applicant/holder as deemed appropriate in the disposition of an appeal.

11 (B) The City Council or hearing panel may direct the issuance of a temporary work
12 card limited by specific times, location, occupation or duties unless otherwise prohibited by this Title.

13 (C) The City Council or hearing panel may impose a mandatory review of the
14 applicant's status by the Director, City Council or designee, or place other conditions reasonably related to
15 the employment of the applicant in conjunction with a temporary work card as deemed appropriate.

16 SECTION 20: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
20 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
21 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
22 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

23 SECTION 21: Whenever in this ordinance any act is prohibited or is made or declared to
24 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
25 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
26 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon

1 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
2 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
3 of this ordinance shall constitute a separate offense.

4 SECTION 22: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
6 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

8 APPROVED:

9
10 By _____
CAROLYN G. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BEVERLY K. BRIDGES, MMC
City Clerk

14
15 APPROVED AS TO FORM:

16 Val Steed 12-16-13
17 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

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

Bill No. 2014-4 - For Possible Action - Amends the Unified Development Code to establish the means of allowing a site with development approval entitlements to obtain separate and concurrent approval for temporary development. Proposed by: Scott D. Adams, Deputy City Manager

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

This bill will amend the Unified Development Code to establish the means of allowing a site with development approval entitlements to obtain separate and concurrent approval for temporary development. Under normal circumstances a parcel is not allowed to have more entitlement approval for more than one type of development. This bill will allow a site to have concurrent approvals--one for temporary development and one for long-term development--subject to limitations designed to manage and resolve the concurrent 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:

Bill No. 2014-4

1 **BILL NO. 2014-4**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO ESTABLISH THE
4 MEANS OF ALLOWING A SITE WITH DEVELOPMENT APPROVAL ENTITLEMENTS TO
5 OBTAIN SEPARATE AND CONCURRENT APPROVAL FOR TEMPORARY DEVELOPMENT, AND
6 TO PROVIDE FOR OTHER RELATED MATTERS

6 Proposed by: Scott D. Adams, Deputy City
7 Manager

Summary: Amends the Unified Development
Code to establish the means of allowing a site
with development approval entitlements to obtain
separate and concurrent approval for temporary
development.

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

11 SECTION 1: Ordinance No. 6289 and the Unified Development Code adopted as Title
12 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth
13 in Sections 2 and 3 of this Ordinance. The amendments are deemed to be amendments to both Ordinance
14 No. 6289 and the Unified Development Code adopted as Title 19.

15 SECTION 2: Title 19, Chapter 16, Section 100, Subsection (I), Paragraph (2), is hereby
16 amended to read as follows:

17 2. Grounds. A Site Development Plan approval may be revoked or modified by the reviewing
18 authority for cause, including a finding of one or more of the following:

- 19 a. That the Site Development Plan approval was obtained by misrepresentation or fraud;
20 b. That the development is not in compliance with one or more of the conditions of approval;
21 c. That the development is in violation of any State or local law, ordinance or regulation[.] ;

22 or

- 23 d. That the time limits specified in Paragraph (I) of Subsection (K) have expired.

24 SECTION 3: Title 19, Chapter 16, Section 100, is hereby amended by adding thereto a
25 new Subsection, designated as Subsection (K), reading as follows:

26 K. Concurrent Approvals—Temporary Development

1 At the discretion of the City Council, a Site Development Plan may be approved, concurrent with other
2 development approval, to allow a temporary development to be constructed without expunging or
3 invalidating an active, unexpired Site Development Plan, Special Use Permit or associated approval(s). For
4 purposes of this Subsection, "temporary development" means development that is distinct from the long-
5 term development otherwise approved for the site and is intended as an interim use of the site for a limited
6 period of time. Any such concurrent approval for temporary development is subject to the following
7 requirements and limitations:

8 1. Approval for a temporary development may be for a period not to exceed five years, except
9 as may be extended by means of one Extension of Time for a period not to exceed five years. A request for
10 Extension of Time shall be by means of an application for Extension of Time pursuant to Section
11 19.16.260, and shall be subject to review and approval by the City Council.

12 2. No more than one temporary development may be approved for a particular site at any one
13 time.

14 3. At the conclusion of the time period specified in Paragraph (1) above, including any
15 approved Extension of Time, the developer must agree to abandon the temporary development in favor of
16 the initial, unexpired Site Development Plan approval. Otherwise, the original entitlements are subject to
17 revocation as provided for under Subsection (I) of this Section, and the temporary development shall
18 become the entitled development for the site. Notwithstanding the preceding sentence, if an approval for
19 temporary development under this Subsection (K) included any deviations from standards, including
20 exceptions, waivers, or variances, the developer will be required to resubmit to the entitlement process for
21 approval of the temporary development as the long-term development for the site. This requirement is in
22 recognition of the possibility that 1) the rationale for seeking and granting such deviations may have been
23 that the development was intended to be temporary only and 2) as a result, such deviations might not have
24 been granted otherwise.

25 SECTION 4: For purposes of Section 2.100(3) of the City Charter, Section 19.16.100 is
26 deemed to be a subchapter rather than a section.

SECTION 5: The Department of Planning is authorized and directed to incorporate into the Unified Development Code the amendments set forth in Sections 2 and 3 of this Ordinance.

SECTION 6: 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 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 , 2014.

APPROVED:

By
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed,
Deputy City Attorney

Date _____

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____

4 _____;
5 thereafter the said committee reported favorably on said ordinance on the _____ day of
6 _____, 2014, which was a _____ meeting of said Council; that at said
7 _____ meeting, the proposed ordinance was read by title to the City Council as first
8 introduced and adopted by the following vote:

9 VOTING "AYE": _____

10 VOTING "NAY": _____

11 ABSENT: _____

12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

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

Bill No. 2014-5 - For Possible Action - Annexation No. ANX-50680 - Property location: located on the southwest corner of Dorrell Lane and Eula Street; Petitioned by: D. R. Horton, Inc.; Acreage: 5.07 acres; Zoned: R-D (County zoning), R-1 (City equivalent). Sponsored by: Councilman Steven D. Ross

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

The proposed ordinance annexes certain real property generally located on the southwest corner of Dorrell Lane and Eula Street. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 30, 2014) is set by this 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. 2014-5 and Location Map

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BILL NO. 2014-5

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-50680)

Sponsored by: Councilman Steven D. Ross	Summary: Annexes property described generally as located on the southwest corner of Dorrell Lane and Eula Street.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described real property:

That portion of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 19, Township 19 South, Range 60 East M.D.M., County of Clark, State of Nevada, being Parcel 1 and Parcel 2 as shown on that CERTIFICATE OF LAND DIVISION, recorded June 22, 1979 in Book 1074 as Instrument 1033894 of Clark County, Nevada Records, together with the adjoining dedicated half street rights of way of Dorrell Lane (60 foot wide), Eula Street (60 foot wide) and Haley Avenue (60 foot wide) described as follows:

1 COMMENCING at the northwest corner of the Southwest Quarter (SW 1/4) of the
2 Northwest Quarter (NW 1/4) of said Section 19, said corner also being the
3 centerline intersection of Hualapai Way and Dorrell Lane; thence along the
4 centerline of said Dorrell Lane, South 89°23'25" East 334.80 feet to the Point of
5 Beginning; thence continuing South 89°23'25" East 330.00 feet to the centerline
6 intersection with Eula Street; thence along the centerline of said Eula Street, South
7 00°02'16" West 669.57 feet to the centerline intersection with Haley Avenue;
8 thence along the centerline of said Haley Avenue, North 89°25'40" West 330.00
9 feet to the west line of said Land Division 66-79; thence along said west line North
10 00°02'16" East 669.79 feet to the Point of Beginning.

11 BASIS OF BEARINGS: North 00°08'16" East being the west line of the
12 Northwest Quarter (NW 1/4) of Section 19, Township 19 South, Range 60 East
13 M.D.M., as shown on Record of Survey in File 114, Page 57 of Clark County
14 Nevada records.

15 Prepared by:
16 Brian Yu, PLS
17 Dept. of Operation and Maintenance,
18 Right-of-Way,
19 City of Las Vegas,
20 333 N. Rancho Drive, 8th Floor,
21 Las Vegas, NV 89106
22 byu@lasvegasnevada.gov

23 SECTION 2: The City Council hereby determines that the described territory
24 meets the requirements provided by law for annexation to the City for the following reasons:

25 A. The area to be annexed was contiguous to the City's boundaries at the time
the annexation proceedings were instituted;

B. More than one-eighth (1/8) of the aggregate external boundaries of the
area are contiguous to the City;

C. The territory proposed to be annexed is not included within the boundaries
of another incorporated city or within the boundaries of any unincorporated town as those
boundaries existed as of July 1, 1983;

D. The City is eligible to annex the described territory because the
landowners have signed a petition constituting one hundred percent (100%) of the owners of record
of individual lots or parcels of land within the annexation area.

SECTION 3: The City will provide police protection through the Las Vegas

1 Metropolitan Police Department, fire protection, street maintenance, and library services
2 immediately upon annexation. Garbage collection by the company franchised by the City will also
3 be provided immediately. The City sanitary sewer system will serve the proposed annexation area.
4 Any connection to or extension of this sewer line to serve the annexation area shall be at the
5 expense of the landowners. Other services, such as participation in the City's recreational
6 programs, special education classes and programs, public works planning, building inspections, and
7 other City services will also be available immediately. Utilities such as gas, electricity, telephone,
8 and water are provided by private utility companies and other services to the area will not be
9 affected by annexation. Street paving, curbs and gutters, sidewalks and street lights which are not
10 in place at the time of annexation will be installed in the presently developed areas upon the request
11 of the property owners and at their expense by means of special assessment districts. Such
12 improvements will be extended into the undeveloped areas as development takes place and the
13 need therefor arises, and will be located according to the needs of the area at that time. Such
14 installations will also be made at the expense of the property owners, either by means of special
15 assessment districts or as prerequisites to the approval of subdivision plats, building permits or
16 other land use or development applications.

17 SECTION 4: The annexation of the described territory shall become effective
18 on the 30th day of January, 2014, and on that date the City will have the funds appropriated in
19 sufficient amount to finance the extension into the described territory of police protection, fire
20 protection, street maintenance, street sweeping, and street lighting maintenance.

21 SECTION 5: The described territory, together with the inhabitants and property
22 thereof, shall, from and after the 30th day of January, 2014, be subject to all debts, laws, ordinances
23 and regulations in force in the City and shall be entitled to the same privileges and benefits as other
24 parts of the City, and shall be subject to municipal taxes levied by the City.

25 SECTION 6: The City Engineer is hereby instructed to cause to be prepared an

1 accurate map or plat of the described territory and to record the map or plat, together with a
2 certified copy of this ordinance, in the office of the County Recorder of Clark County, Nevada,
3 which recording shall be done prior to the 30th day of January, 2014.

4 SECTION 7: The described territory, which previously has been zoned R-D
5 (County of Clark classification), is hereby classified as R-1 (City of Las Vegas classification),
6 which is deemed to be the City equivalent of the County classification.

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

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SECTION 9: 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 _____, 2014.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed, Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2014, 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
5 ordinance on the _____ day of _____, 2014, which was a
6 _____ meeting of said Council; that at said _____ meeting,
7 the proposed ordinance was read by title to the City Council as first introduced and adopted by the
8 following vote:

9 VOTING "AYE": _____

10 VOTING "NAY": _____

11 ABSENT: _____

12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

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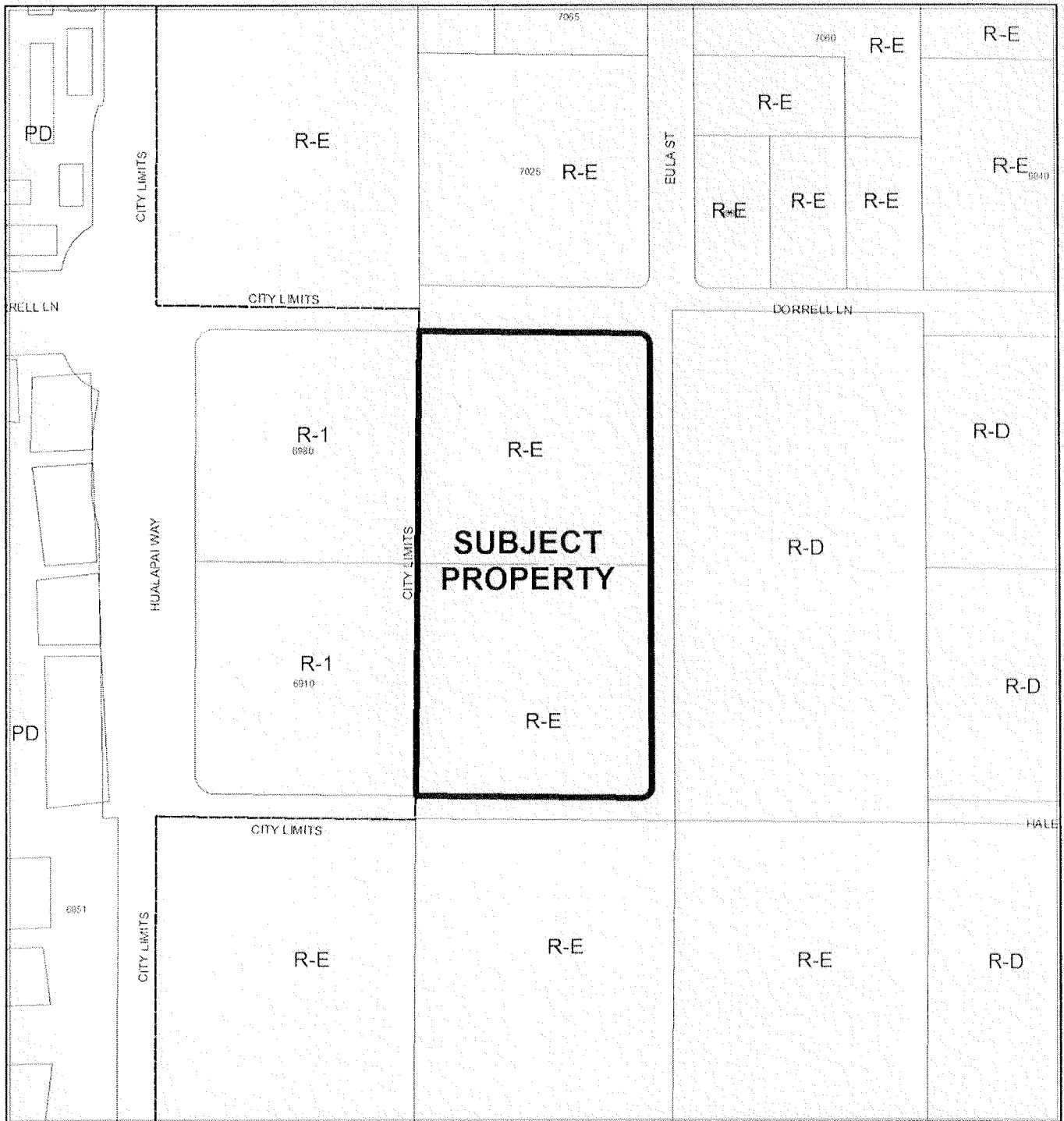
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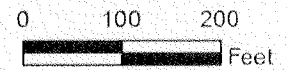
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CASE: ANX-50680



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

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 JANUARY 21, 2014

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:
ADJOURNMENT

