

BUSINESS IMPACT STATEMENT

BILL NO. 2016-53

(Updates the City's licensing regulations pertaining to secondhand dealers)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2016-53, that will update the City's licensing regulations pertaining to secondhand dealers.

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

Notification of the proposal was provided by mail to approximately 210 local businesses, as well as to 6 area chambers of commerce. The draft language of the proposal was made available 1) on the City's website and 2) at the office of the Business Licensing Division. Recipients of the notification were invited to respond in writing and to advise the City whether the proposal would impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business. One written response was received, sent in by email from CTIA, an industry trade group representing businesses engaged in various aspects of wireless communications. The response expressed opposition to the proposal, at least insofar as it might pertain to wireless providers, device manufacturers, and those who sell devices on their behalf. The response did not address the specific issue of economic burden and restriction, but did indicate that the City's proposal might negatively impact recycling programs and industry equipment take-back or trade-in programs. As well, the response suggested that the City's proposal would conflict with Federal law insofar as applied to "wireless providers." This summary of the comments received as part of the response is available to interested persons as part of this business impact statement

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

Adverse effects:

The aspect of the proposal clarifying that the City's secondhand dealer regulations apply to those selling goods on consignment might be viewed as being more restrictive than the existing regulations. However, it appears the City has been interpreting current regulations as applying to sales on consignment. In other respects, the proposal does not impact secondhand dealers (including those selling portable electronic devices) more negatively than existing regulations

Beneficial effects:

The proposal clarifies existing language and allows an additional exemption from regulation for trade-ins and credits with respect to portable electronic devices

Direct effects:

See adverse and beneficial effects above

Indirect effects:

None identified

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

After taking into account the response received from the business impact solicitation, it was determined not to make any substantive adjustments to the proposal. The proposal is not expected to have any greater negative impact on affected business than existing language and interpretation, and is expected to have a positive impact on businesses in terms of the additional language of exemption. However, in acknowledgment of the concern that the proposal might be viewed as in conflict with Federal law, a section has been added to clarify that nothing in the City's secondhand dealer regulations is intended or shall be deemed to conflict with Federal law

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

No additional cost anticipated

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

Not applicable

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

Not applicable

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

Not applicable

8. The reasons for the conclusions regarding the impact of the proposed rule on businesses:

It is believed that the proposed measure will have no greater impact on businesses than existing regulations, and will in addition be beneficial to certain businesses by providing an additional exemption. If, as suggested by the association responding to the solicitation, there is a negative impact to the wireless industry (which is not readily apparent), it exists by virtue of current ordinance and statutory provisions. This proposal does not increase that impact and in some respects lessens the existing impact

CERTIFICATION

I certify that, to the best of my knowledge or belief, the information contained in this business impact statement was prepared properly and is accurate.


By: City Manager

Date: June 27, 2016