

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
NOVEMBER 6, 2012
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 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.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2012-53 - For Possible Action - Updates the City's regulations pertaining to secondhand dealers and dealers in scrap metal generally and conforms them to the provisions of State law. (TXT-41703) Proposed by: Flinn Fagg, Director of Planning
4. Bill No. 2012-54 - For Possible Action - Amends the Unified Development Code to authorize applications and related documents to be submitted electronically. (TXT-46056) Proposed by: Flinn Fagg, Director of Planning
5. 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
6. 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. The City's TDD number is 386-9108.

City of Las Vegas

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: NOVEMBER 6, 2012

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CALL TO ORDER



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 6, 2012

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 6, 2012

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2012-53 - For Possible Action - Updates the City's regulations pertaining to secondhand dealers and dealers in scrap metal generally and conforms them to the provisions of State law. (TXT-41703) Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's regulations pertaining to secondhand dealers and dealers in scrap metal. A number of the changes are designed to conform the City's regulations to recently-enacted provisions of State law on the subject. Other changes are designed to allow certain common, everyday transactions in used items without triggering the City's requirements regarding secondhand dealers.

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. 2012-53
2. Business Impact Statement

1 **BILL NO. 2012-53**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE RELATING TO SECONDHAND DEALERS AND DEALERS IN SCRAP
4 METAL; REVISING LVMC CHAPTER 6.74 TO UPDATE THE CITY'S SECONDHAND
5 DEALER REGULATIONS GENERALLY AND TO CONFORM THEM TO THE PROVISIONS
6 OF STATE LAW; AND PROVIDING FOR OTHER RELATED MATTERS.

6 Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the City's regulations
pertaining to secondhand dealers and dealers in
scrap metal generally and conforms them to the
provisions of State law.

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

11 SECTION 1: Title 6, Chapter 74, Section 10, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.74.010:** The City Council finds that the business of secondhand dealers seriously affects the
14 well-being of the City and its residents; that it is necessary to regulate such activities carefully to
15 ensure that persons of honesty and integrity are operating such businesses; and that they are operated
16 in a manner which is responsible to the public. Therefore, secondhand dealers [(other than Class IV
17 secondhand dealers)] must comply with Chapter 6.06.

18 SECTION 2: Title 6, Chapter 74, Section 20, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.74.020:** As used in this Chapter, unless the context otherwise requires, the following words
21 shall have the meaning ascribed to them as follows:

22 "Advertise" means the use of any newspaper, magazine or other publication, letter, sign, card
23 or other printed matter, radio or television transmission or any other method to bring to the attention
24 of the public that a person is engaged in [the business of:

25 (A) Buying, selling or trading hides or junk; or

26 (B) Buying, selling or trading metal junk, melted metal or secondhand personal
27 property, including, without limitation, antiques and collectibles.] business as a secondhand dealer.

28 "Antique" means a unique object of personal property that is not less than sixty years old and

1 has special value primarily because of its age.

2 “Collectible” means an object of personal property that has special value primarily because
3 of its unique characteristics and the high level of demand for the object.

4 [“Identifiable” means secondhand personal property which bears a serial number or
5 personalized initials or an inscription and includes secondhand personal property which, at the time
6 it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized
7 initials or an inscription.]

8 “General household furnishings,” except as limited in this definition, means furnishings and
9 personal effects that are typically found in a home, such as lamps, cloth items, and kitchen and
10 bathroom items for personal use. The term does not include appliances, furniture, electronics, fine
11 art, musical instruments, or any item of personal property that has a specific mark for identification
12 or is otherwise individually identifiable.

13 “Infant/child items” means furnishings, furniture and personal effects that are typically found
14 in a home and used by or for children under the age of ten. Such personal effects include products,
15 bedding, toys, safety items, strollers, car seats and other sundry articles.

16 “Junk” means old iron, copper, brass, lead, zinc, tin, steel and other metals, metallic cables,
17 wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and all other secondhand, used or castoff
18 articles or material of any kind[.], but does not include scrap metal.

19 “Major home appliance” means a washing machine, clothes dryer, dishwasher, refrigerator or
20 freezer.

21 “Precious metals” means gold, platinum, silver and their alloys.

22 “Scrap metal” means nonferrous metals, scrap iron, stainless steel or other material or
23 equipment which consists in whole or in part of metal and which is used in construction, agricultural
24 operations, electrical power generation, transmission or distribution, cable, broadband or
25 telecommunications transmission, railroad equipment, oil well rigs or any lights maintained by the
26 State or a local government, including, without limitation, street lights, traffic-control devices, park
27 lights or ballpark lights. The term also includes catalytic converters, but does not include waste
28 generated by a household, aluminum beverage containers, used construction scrap iron or materials

1 consisting of a metal product in its original manufactured form which contains not more than 20
2 percent by weight nonferrous metal.

3 “Secondhand dealer” means any person engaged in whole or in part in the business of buying,
4 selling or trading [secondhand or used personal property, including, without limitation, hides, junk,
5 metal junk, melted metals, antiques and collectibles.] metal junk, melted metal or secondhand personal
6 property, other than antiques, used books, coins and collectibles.

7 “Specified liquid waste” means non-hazardous organic liquid waste from agricultural or
8 commercial restaurant operations, such as cooking oil. The term does not include sewage, wastewater
9 or any waste from industrial or residential sources.

10 “Wearing apparel” means any garment, article of clothing, covering or related accessory, other
11 than a fur product, that is designed and customarily used to cover or protect any part of the body.

12 SECTION 3: Title 6, Chapter 74, Section 40, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.74.040:** This Chapter does not apply to:

15 (A) Dealers of used vehicles as to those activities [permitted by] for which a license
16 issued by the State Department of Motor Vehicles is required pursuant to NRS 482.322; [but not as
17 to those activities referred to in Section 6.74.060]

18 (B) The buying, selling or trading by a licensed business of used [articles] major
19 home appliances which were acquired as a trade-in or a credit upon the purchase of a new [article of
20 the same kind] appliance on a one-for-one basis;

21 (C) The taking in pawn or the selling of unredeemed personal property by a licensed
22 pawnbroker pursuant to Chapter 6.60;

23 (D) The buying, selling or trading of used [books,] newspapers and periodicals;

24 (E) [The buying, selling or trading of coins which are not a part of any jewelry;] A
25 person who engages in the business of buying or selling secondhand firearms or any antique parts,
26 accessories or other equipment relating to those firearms to the extent that the person:

27 (1) Engages in that business at a show that:

28 (a) Is held at:

1 (I) A convention facility which is owned or operated by and
2 located on the premises of a resort hotel; or

3 (II) A recreational facility which is owned or operated by a
4 county fair and recreation board; and

5 (b) Is conducted for not more than seven days during any six-month
6 period; and

7 (2) The person has been issued a license as a manufacturer, importer, dealer
8 or collector pursuant to the provisions of 18 U.S.C. §§ 923.

9 (F) The buying, selling or trading by a licensed retail business of used video games,
10 videotapes, cassettes, digital video discs, compact discs or sound recordings which have been
11 purchased (or received as trade-ins) from its retail customers, provided that credit only has been given
12 as consideration for the purchases or trade-ins, which credit then can only be used by its retail
13 customers for the rental or purchase of new or used items referenced in this Subsection at any of its
14 licensed business premises[.];

15 (G) A convention or trade show not exceeding fourteen days in length, provided that
16 convention or trade show exhibitors do not purchase secondhand or used personal property at the
17 convention or trade show; or

18 (H) [A person selling used or personal property under the umbrella of another
19 licensee's gift and novelty or Class IV secondhand dealer license, provided the sales are made at the
20 main business premises of the gift and novelty or Class IV secondhand dealer licensee and the person
21 does not purchase used or personal property at the main business premises of the licensee.] The
22 buying, selling or trading of wearing apparel, general household furnishings, infant/child items, or
23 specified liquid waste.

24 SECTION 4: Title 6, Chapter 74, Section 50, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.74.050:** A secondhand dealer's license must not be issued to a location on Fremont Street or
27 on Las Vegas Boulevard South between Charleston Boulevard and Sahara Avenue[, unless a variance
28 has been granted, in accordance with the provisions of Title 19, permitting such use at that location.]

SECTION 5: Title 6, Chapter 74, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.74.060: Class I is divided into the following subclasses:

(A) Class I-A permits secondhand dealers who dismantle, scrap, process, wreck or disassemble used vehicles and sell the dismantled, wrecked or disassembled parts and accessories, and all secondhand dealers who handle or deal in the salvaging of all other articles, including metals (except precious metals and scrap metal), lumber and junk;

(B) Class I-B permits secondhand dealers of the parts and accessories of used vehicles who do not dismantle, scrap, process, wreck or disassemble said vehicles[.]; and

(C) Class I-C permits secondhand dealers who deal in scrap metal, either exclusively or in combination with other materials that would qualify under Class I-A.

SECTION 6: Title 6, Chapter 74, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.74.070: Class II licenses permit secondhand dealers of any of the following used articles: [wearing apparel,] furniture, fixtures, appliances, tableware, office supplies, pictures, paintings, jewelry, cutlery, guns or other secondhand articles except those which fall within Class I.

SECTION 7: Title 6, Chapter 74, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.74.080: Class III [is divided into the following subclasses:

(A) Class III-A permits] licenses permit secondhand dealers who deal exclusively in any one or more of the following kinds of secondhand articles: precious metals, precious or semiprecious gem stones, or articles made wholly or in part of precious metals and/or precious or semiprecious gem stones, including but not limited to jewelry, cutlery, tablewares, housewares, ornaments and decorations.];

(B) Class III-B permits secondhand dealers other than those in Class I and those in Subclass III-A who deal in one specific kind of used article and no new articles;

(C) Class III-C permits businesses in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. The sale of secondhand or used articles shall

1 be incidental to the sale of new articles if no more than twenty-five percent of the gross sales of the
2 business for any six-month period is attributable to the sale of used articles.]

3 SECTION 8: Title 6, Chapter 74, Section 90, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.74.090:** Each applicant for a [Class I, Class II, and Class III-A] secondhand dealer's license
6 must file and each such licensee must maintain a surety bond with the Department in [the sum of five
7 thousand dollars] an amount determined by the Director, with surety acceptable to and approved by
8 the City Attorney. Such bond must be conditioned to be paid to the City or to any person suffering
9 injury by reason of any violation of the provisions of this Code by the principal, [his] the principal's
10 agents or employees, and that the principal therein named will faithfully conform to any conditions
11 or restrictions that may be placed upon the principal's license.

12 SECTION 9: Title 6, Chapter 74, Section 110, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.74.110:** [(A)] Every secondhand dealer shall [maintain in his place of business a book or other
15 permanent record in which must be legibly written in the English language, at the time of each
16 purchase, a record thereof containing:

- 17 (1) The date and time of each transaction;
- 18 (2) The name, age, driver's license number, house number and street and
19 a general description of the complexion, color of hair and facial appearance of the person with whom
20 the transaction is had;
- 21 (3) The license number of the vehicle delivering each purchase, if the
22 transaction involves household furniture;
- 23 (4) A description of the property bought; and
 - 24 (a) In the case of watches, the description must contain the name
25 of the maker and the number of the works or the case; and
 - 26 (b) In the case of jewelry, the description must contain all letters and
27 marks inscribed on the jewelry; and
 - 28 (c) When the article bought is furniture or the contents of any house

1 or room actually inspected on the premises, a general record of the transaction is sufficient;

2 (5) The price paid;

3 (6) The name or other identification of the person or employee conducting
4 the transaction, who shall legibly print or type his full name and write his signature on the transcript.

5 Each transcript must include a certificate, signed by the person selling the property to the secondhand
6 dealer, stating that he has the legal right to sell the property.

7 (B) The record and all goods received must at all times during the ordinary hours
8 of business be open to the inspection of Metro.

9 (C) The provisions of this Section do not apply to any transaction which involves
10 buying, selling or trading used sound recordings or clothing.] comply with all applicable requirements
11 of NRS Chapter 647 in addition to the requirements of this Chapter.

12 SECTION 10: Title 6, Chapter 74, Section 160, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.74.160:** Each holder of a Class [I] I-A or Class I-B secondhand dealer's license shall promptly
15 deliver to Metro or the Department of Motor Vehicles all motor vehicle and trailer State license plates
16 attached to any motor vehicle or trailer received by him for resale, exchange, wrecking or dismantling.

17 SECTION 11: Title 6, Chapter 74, Section 190, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.74.190:** It is unlawful for any secondhand dealer or any clerk, agent or employee of a
20 secondhand dealer to[:

21 (A) Omit making an entry of any material matter in his book or record kept as
22 provided for in Section 6.74.110;

23 (B) Make any false entry in his book or record;

24 (C) Obliterate, destroy or remove from his place of business the book or record;

25 (D) Refuse to allow Metro to inspect the book or record or any goods in his
26 possession, during the ordinary hours of business;

27 (E) Report any material matter falsely to Metro;

28 (F) Omit reporting forthwith to Metro the possession of any property which he may

1 have good cause to believe has been lost or stolen, together with the name of the owner, if known, and
2 the date when and the name of the person from whom he received the property;

3 (G) Violate Section 6.74.130

4 (H) Receive any property from any person under the age of eighteen years, any
5 common drunkard, any habitual user of controlled substances as defined in Chapter 453 of NRS, any
6 habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen
7 property, or any known associate of a thief or receiver of stolen property, whether the person is acting
8 in his own behalf or as the agent of another.] violate any provision of this Chapter or of NRS Chapter
9 647.

10 SECTION 12: Title 6, Chapter 74, Sections 85, 120, 130, 180 and 200, of the
11 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

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

20 SECTION 14: Whenever in this ordinance any act is prohibited or is made or declared
21 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
22 required or the failure to do any act is made or declared to be unlawful or an offense or a
23 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
24 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
25 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
26 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

27 * * *

28 * * *

1 SECTION 15: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

5 APPROVED:

6
7 By _____
8 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BEVERLY K. BRIDGES, MMC
11 City Clerk

11 APPROVED AS TO FORM:

12 Val Reed 10-2-12
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2012, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 _____ day of _____, 2012, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
11

12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
18 City Clerk
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BUSINESS IMPACT STATEMENT

BILL NO. 2012-53

(Updates the City's regulations pertaining to secondhand dealers and dealers in scrap metal generally and conforms them to the provisions of State law)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2012-53, that will update the City's regulations pertaining to secondhand dealers and dealers in scrap metal generally and conforms them to the provisions of State law.

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.

Notice of the proposed ordinance was posted on the City's website as well as being sent to approximately 181 business licensees in the categories that would be affected by the proposed ordinance. No written responses were received.

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

Adverse effects:

None identified

Beneficial effects:

Conformance to State law for affected licensees, as well as City exemptions for some kinds of transactions

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:

Not applicable

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

No additional cost

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

Not applicable

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

Not applicable

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

Not applicable

Date: October 2, 2012

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 6, 2012

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2012-54 - For Possible Action - Amends the Unified Development Code to authorize applications and related documents to be submitted electronically. (TXT-46056) Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the Unified Development Code to authorize applications and related documents to be submitted electronically.

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. 2012-54

BILL NO. 2012-54

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE TO AUTHORIZE APPLICATIONS AND RELATED DOCUMENTS TO BE SUBMITTED ELECTRONICALLY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Director of Planning Summary: Amends the Unified Development Code to authorize applications and related documents to be submitted electronically.

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

SECTION 1: Ordinance No. 6190 and the Unified Development Code adopted as Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in Section 2 of this Ordinance.

SECTION 2: Title 19, Chapter 16, Section 10, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

B. Application

1. Time of Filing. In order to provide sufficient time for the necessary investigation by the Department, Planning Commission and/or its Secretary and agents, a complete application for the request must be filed as follows:

a. Applications that are subject to administrative review must be filed in the office of the Department a minimum of 30 days prior to the date of the meeting at which the application would be heard and considered if it Planning Commission and/or City Council review; and

b. Applications that are subject to Planning Commission and/or City Council review must be filed in the office of the Department a minimum of 30 days prior to the date of the meeting at which the application is to be heard and considered.

2. Form. Application shall be made on forms provided by the Department. Such forms may include forms made available by the City electronically, including forms that are intended to be printed and submitted in hard copy and forms that can be submitted electronically through the City's electronic plans check system.

[2.] 3. Notarized Application. Applications shall be signed, notarized and acknowledged by the

owner of record of the property for which the General Plan Amendment, rezoning or development application is sought. If the property has multiple owners, the applicant shall provide the City with a list of all persons and entities with an ownership interest in the property if not all of the owners have signed the application.

4. Electronic Submissions. In connection with the submission of an application by someone other than a property owner by means of the City's electronic plans check system, the submission shall be deemed to be a representation by the submitter, upon which the City may rely, that the submitter has verified and can document that the property owner has complied with the signature, notarization and acknowledgment requirements of Paragraph (3) above. Additionally, the Department is authorized to develop an application process by which property owners, other submitters of applications, and notaries may sign application-related documents by means of an electronic signature. In such a case, the functions and requirements associated with the signing of an application, notarization and acknowledgment may be performed and satisfied by means of the electronic signature of a person authorized to perform each such act if that signature, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature. For purposes of this Paragraph (4), "electronic signature" means an electronic symbol or process attached to or logically associated with an application or record and executed or adopted by a person with the intent to sign the application or record.

[3.] 5. Pre-application Conference. A pre-application conference with a designated representative from the Department is required prior to submitting an application for a Tentative Map, General Plan Amendment, Vacation, Rezoning, Major Site Development Plan Review, Special Use Permit, Variance or Development Agreement.

[4.] 6. Review of Applications. Following the submittal of an application, staff shall review the application to verify that the information is complete and fulfills application requirements. If the application is not complete, staff will notify the applicant, and the application will not be scheduled on an appropriate agenda until the application is complete.

[5.] 7. Discretion Regarding the Acceptance of Applications. The Director has the discretion not to accept any application which seeks action that is not available under this Title.

1 SECTION 3: For purposes of Section 2.100(3) of the City Charter, Section 19.16.010
2 is deemed to be a subchapter rather than a section.

3 SECTION 4: The Department of Planning is authorized and directed to incorporate
4 into the Unified Development Code the amendments set forth in Section 2 of this Ordinance.

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

13 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2012.

17 APPROVED:

18 By _____
19 CAROLYN G. GOODMAN, Mayor

20 ATTEST:

21 _____
22 BEVERLY K. BRIDGES, MMC
City Clerk

23 APPROVED AS TO FORM:

24 Val Steel 10-2-12
25 Date
26
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2012, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2012, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
18 City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 6, 2012

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: NOVEMBER 6, 2012

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

