

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
7 pertaining to secondhand dealers and dealers in
8 scrap metal generally and conforms them to the
9 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.]

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

3 **6.74.060:** Class I is divided into the following subclasses:

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

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

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

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

14 **6.74.070:** Class II licenses permit secondhand dealers of any of the following used articles:
15 [wearing apparel,] furniture, fixtures, appliances, tableware, office supplies, pictures, paintings,
16 jewelry, cutlery, guns or other secondhand articles except those which fall within Class I.

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

19 **6.74.080:** Class III [is divided into the following subclasses:

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

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

27 (C) Class III-C permits businesses in which the sale of secondhand or used articles
28 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.

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SECTION 15: 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 _____, 2012.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Hood 10-2-12
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: _____

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APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk