



Las Vegas

Agenda Item No.: 3.

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. (TEXT-41703) - Recommended by: William Figg, 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

Motion made by STAVROS S. ANTHONY to Approve as Do Pass as a First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-BOB COFFIN)

Minutes:

By way of reading the item, COUNCILMAN BARLOW declared the Public Hearing open.

KAREN DUDDLESTEN, Business Licensing Manager, discussed the proposed changes regarding such items as infant and children's items, clothing, scrap metal dealers and liquid waste.

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WARREN HARDY, representing SA Recycling, thanked staff for their efforts and voiced concerns that some of the proposed changes could trigger additional reporting under the Nevada Revised Statutes (NRS). He is not against simplifying the City's statutes as long as it does not create additional liability for his clients under NRS. MR. HARDY clarified for COUNCILMAN ANTHONY that SA Recycling is the largest recycler in the western half of the United States.

In response to COUNCILMAN BARLOW, MS. DUDDLESTEN deferred to DEPUTY CITY ATTORNEY VAL STEED regarding name changes, but told COUNCILMAN BARLOW that, from a Business Licensing perspective, she has no issue with any changes to titles.

DEPUTY CITY ATTORNEY STEED stated that when the Legislature placed scrap metal dealers into the secondhand dealer category, they did not clarify that scrap metal dealers are not actually secondhand dealers. He felt it best to continue to treat them as secondhand dealers because it will not affect scrap metal dealers unless they operate as secondhand dealers. He does not see a problem with adding a clarifying note to state that these updates are not intended to trigger an NRS action. DEPUTY CITY ATTORNEY STEED added that an alternative would be to adopt a new chapter focusing on scrap metal dealers, but the City's focus should be on the creation of a subcategory that complies with NRS since we are only collecting a fee and not requiring additional reporting measures. A section could be added to clarify that this is for City business only.

COUNCILMAN COFFIN told MR. HARDY that DEPUTY CITY ATTORNEY STEED'S suggestions should work, but that mistakes should be corrected. MR. HARDY concurred.

In response to COUNCILMAN BARLOW, DEPUTY CITY ATTORNEY STEED recommended that the item either be held in abeyance or the Committee could trust him to draft a first amendment that would essentially state that the updates do not purport to define secondhand dealers for purposes of NRS Chapter 647.

BRIAN O'CALLAHAN, Las Vegas Metropolitan Police Department, asked that detectives be given a copy of the amendment as they would like to continue to be involved in the process.

By way of reading the next item, COUNCILMAN BARLOW declared the Public Hearing closed.