

BILL NO. 99-50

ORDINANCE NO. 5170

AN ORDINANCE RELATING TO BUSINESS LICENSING; AMENDING TITLE 6, CHAPTER 2, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO THREE NEW SECTIONS, DESIGNATED RESPECTIVELY AS SECTIONS 363, 365 AND 367, TO AUTHORIZE THE SAME KIND OF EMERGENCY ACTION REGARDING NON-PRIVILEGED LICENSES AS IS AFFORDED REGARDING PRIVILEGED LICENSES, AND TO PROVIDE THAT THE APPEAL OF SUCH EMERGENCY ACTION MUST BE TAKEN IN THE STATE OF NEVADA DISTRICT COURT; AMENDING CHAPTER 6, SECTIONS 270, 280 AND 290, TO MAKE PARALLEL CHANGES REGARDING PRIVILEGED LICENSES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Proposed by Mark Vincent, Director
Finance and Business Services

Summary: Authorizes the same kind of emergency action to suspend non-privileged business licenses as is afforded regarding privileged licenses, and provides for the appeal of such emergency action to be taken in the State of Nevada District Court.

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

SECTION 1: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 363, reading as follows:

6.02.363: The Director or Metro may issue an emergency order which suspends or conditions a license upon a determination that:

(A) There has been a violation of the provisions of this Title; and

(B) Such order is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare within the City.

SECTION 2: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 365, reading as follows:

6.02.365: Any emergency order issued pursuant to Section 6.02.363 shall:

(A) Set forth the grounds upon which it is issued, including a statement of facts constituting the emergency which necessitates such order;

(B) Be effective immediately upon the issuance and service thereof on the licensee

1 or its representative or upon the posting thereof upon the licensed premises; and

2 (C) Indicate the period of time for which it is effective, which shall be based upon
3 the severity of the violation and the nature of the emergency as determined by the Director or Metro.

4 SECTION 3: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 367,
6 reading as follows:

7 **6.02.367:** A licensee who is affected by an emergency order may appeal the order by filing an
8 appropriate action in the State of Nevada District Court to challenge or seek review of the order. Such
9 action to appeal must be filed within ten days after the effective date of the emergency order, or the
10 right to appeal is deemed waived.

11 SECTION 4: Title 6, Chapter 6, Section 270, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.06.270:** The Director [of Business Activity] or Metro may issue an emergency order which
14 suspends or conditions a license [or approval of suitability if the Director believes] upon a
15 determination that:

16 (A) There has been a violation of the provisions of this [Code;] Title; and

17 (B) Such order is necessary for the immediate preservation of the public peace,
18 health, safety, morals, good order or general welfare within the City.

19 SECTION 5: Title 6, Chapter 6, Section 280, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.06.280:** Any [such] emergency order issued pursuant to Section 6.06.270 shall:

22 (A) [set] Set forth the grounds upon which it is issued, including a statement of facts
23 constituting the emergency which necessitates such order; [and shall be]

24 (B) Be effective immediately upon the issuance and service thereof on [the person
25 affected] the licensee or its representative or upon the posting thereof upon the licensed premises[.];
26 and

27 (C) Indicate the period of time for which it is effective, which shall be based upon
28 the severity of the violation and the nature of the emergency as determined by the Director or Metro.

1 SECTION 6: Title 6, Chapter 6, Section 290; of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.06.290:** [The person] A licensee who is affected by [such] an emergency order issued under
4 Section 6.06.270 may appeal the [same to the Board by filing a notice of appeal with the City Clerk,
5 and such person shall be entitled to a hearing within ten days after the filing of such notice of appeal.
6 An] order by filing an appropriate action in the State of Nevada District Court to challenge or seek
7 review of the order. Such action to appeal must be filed within ten days after the effective date of
8 [such] the emergency order, or the right to appeal is deemed waived.

9 SECTION 7: Title 6, Chapter 6, Section 300, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

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

19 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,

20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 15th day of September, 1999.

4 APPROVED:

5
6 By 
OSCAR B. GOODMAN, Mayor

7 ATTEST:

8 
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11  8-6-99
12 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 18th day of August, 1999 and referred to the following committee composed of the
3 Councilmen M. McDonald and Brown for recommendation; thereafter the said committee
4 reported favorably on said ordinance on the 15th day of September, 1999 which was a
5 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read
6 by title to the City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown and L. McDonald

8 VOTING "NAY": NONE

9 EXCUSED: Councilman M. McDonald

10 APPROVED:

11
12 
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

AFFP

DISTRICT COURT
Clark County, Nevada

1999 SEP 21 A 10:21

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
907301

2296311LV

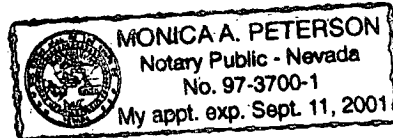
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/03/99 to 09/03/1999, on the following days: SEPTEMBER 3, 1999

Signed:

SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of Sept 1999

Notary Public



BILL NO. 99-50

AN ORDINANCE RELATING TO BUSINESS LICENSING; AMENDING TITLE 6, CHAPTER 2, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO THREE NEW SECTIONS, DESIGNATED RESPECTIVELY AS SECTIONS 363, 365 AND 367, TO AUTHORIZE THE SAME KIND OF EMERGENCY ACTION REGARDING NON-PRIVILEGED LICENSES AS IS AFFORDED REGARDING PRIVILEGED LICENSES, AND TO PROVIDE THAT THE APPEAL OF SUCH EMERGENCY ACTION MUST BE TAKEN IN THE STATE OF NEVADA DISTRICT COURT; AMENDING CHAPTER 6, SECTIONS 270, 280 AND 290, TO MAKE PARALLEL CHANGES REGARDING PRIVILEGED LICENSES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Proposed by: Mark Vincent, Director
Finance and Business Services
Summary: Authorizes the same kind of emergency action to suspend non-privileged business licenses as is afforded regarding privileged licenses, and provides for the appeal of such emergency action to be taken in the State of Nevada District Court.

At a City Council meeting
AUGUST 18, 1999
BILL NO. 99-50 WAS READ BY TITLE
AND REFERRED TO RECOMMENDING
COMMITTEE:
COUNCILMEN M. McDONALD
AND BROWN
COPIES OF THE COMPLETE BILL ARE
AVAILABLE FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY CLERK,
1ST FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS, NEVADA
PUB: September 3, 1999
Las Vegas Review-Journal

AFFP

DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
925495

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/17/99 to 09/17/1999, on the following days: SEPTEMBER 17, 1999

Signed:

Barbara Linford

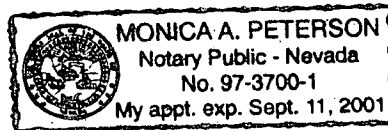
SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of

1999

Sept
Monica A. Peterson

Notary Public



BILL NO. 99-50
ORDINANCE NO. 5170

AN ORDINANCE RELATING TO BUSINESS LICENSING; AMENDING TITLE 6, CHAPTER 2, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO THREE NEW SECTIONS, DESIGNATED RESPECTIVELY AS SECTIONS 363, 365 AND 367, TO AUTHORIZE THE SAME KIND OF EMERGENCY ACTION REGARDING NON-PRIVILEGED LICENSES AS IS AFFORDED REGARDING PRIVILEGED LICENSES, AND TO PROVIDE THAT THE APPEAL OF SUCH EMERGENCY ACTION MUST BE TAKEN IN THE STATE OF NEVADA DISTRICT COURT; AMENDING CHAPTER 6, SECTIONS 270, 280 AND 290, TO MAKE PARALLEL CHANGES REGARDING PRIVILEGED LICENSES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of August, 1999 and referred to the following committee composed of Councilmen McDonald and Brown for recommendation; thereafter the said committee reported favorably on said ordinance on the 15th day of September, 1999, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:
VOTING "AYE" Councilmembers Reese, Brown, L. McDonald and Mayor Goodman
VOTING "NAY" NONE
EXCUSED: Councilman M. McDonald
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: September 17, 1999
Las Vegas Review-Journal

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1999 SEP 23 A 10:29