

AN ORDINANCE TO AMEND TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY ADDING CHAPTER 43, PROVIDING FOR THE APPOINTMENT OF A HEARING EXAMINER AND DEPUTY EXAMINER BY THE BOARD OF CITY COMMISSIONERS TO CONDUCT HEARINGS CONCERNING THE DENIAL, NONRENEWAL, SUSPENSION, OR REVOCATION OF BUSINESS LICENSES, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA DOES ORDAIN AS FOLLOWS:

SECTION 1: TITLE V OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, IS HEREBY AMENDED BY ADDING CHAPTER 43 TO READ AS FOLLOWS:

CHAPTER 43

HEARING EXAMINER

5-43-1: HEARING EXAMINER AND DEPUTY EXAMINER - CREATION AND PURPOSE:

The offices of Hearing Examiner and Deputy Examiner are hereby created. The Examiner shall, upon the request of the Board of Commissioners of the City of Las Vegas, act on behalf of the Board in conducting hearings under Title V, Chapter 1, Section 18 (D) of the City Code, appealing decisions of the Director of the Department of Business Activity denying or not renewing business licenses, and in conducting show-cause hearings under Title V, Chapter 27 of the City Code concerning the suspension or revocation of business licenses. The Deputy Examiner shall, in the event of the absence or inability of the Examiner to act, have all the duties and powers of the Examiner.

5-43-2: APPOINTMENT: TERMS: COMPENSATION:

The Examiner and Deputy Examiner shall be appointed by the Board of City Commissioners and shall serve for such terms and receive such compensation as determined by the Board.

5-43-3: QUALIFICATIONS OF EXAMINER AND DEPUTY EXAMINER:

The Examiner and the Deputy Examiner shall be appointed with regard to their qualifications to conduct administrative or quasi-judicial hearings and shall be attorneys duly licensed to practice law in the State of Nevada or any other state. During their tenure, the Examiner and Deputy Examiner shall hold no other appointed or elected office or position in the City of Las Vegas.

5-43-4: CONFLICT OF INTEREST AND FREEDOM FROM IMPROPER INFLUENCE:

The Examiner and the Deputy Examiner shall not conduct or participate in any hearing or decision in which such Examiner or Deputy Examiner or any of the following persons, has a direct or substantial financial interest: The Examiner's or Deputy Examiner's spouse, brother, sister, child, parent, in-laws, or partner. The Examiner or Deputy Examiner shall not participate in any hearing concerning any business with which such Examiner or Deputy Examiner has served within the past two (2) years, or concerning any business with which such Examiner or Deputy Examiner is negotiating or has an arrangement or understanding concerning possible partnership or employment. Any actual or potential interest shall be disclosed prior to such hearing.

No member of the Board of City Commissioners, City official, or any other person shall interfere with or attempt to interfere with the Examiner or Deputy Examiner in the performance of his duties.

5-43-5: DUTIES OF EXAMINER AND DEPUTY EXAMINER:

When conducting hearings under Title V, Chapter 1, Section 18 (D) and Title V, Chapter 27 of the City Code, the Examiner and his Deputy shall have the same duties and perform the same functions as those vested in the Board of City Commissioners with respect to such hearings. The Examiner and Deputy Examiner shall have the power to issue subpoenas ordering the attendance of witnesses and production of documents relating to any matter considered in the hearing. Failure to obey such a subpoena shall be reported to the Board of City Commissioners and shall be considered to be disobedience of the Board's order.

When the Examiner or Deputy Examiner renders a decision, such decision shall serve as a recommendation to the Board of City Commissioners who are responsible for rendering a binding decision. The Examiner's or Deputy Examiner's recommendation shall be in writing and consist of findings of fact from the record and conclusions of law. Such recommendation, along with a transcript of the hearing, shall be transmitted to the Board of Commissioners within fifteen (15) days of the conclusion of the hearing, unless the Hearing Examiner or Deputy Examiner requests a fifteen (15) day extension from the Board in writing which shall be granted as a matter of right. In addition, a copy of such recommendation shall be transmitted by personal service or by registered mail to all of the parties of record in the proceeding.

5-43-6: DECISION BY THE BOARD OF CITY COMMISSIONERS:

Within five (5) days after a copy of the Examiner's recommended decision has been served on the parties of record in the proceeding, such parties may submit briefs or memoranda in support of their positions to the Board of City Commissioners, but no hearing shall be held and no new evidence or testimony shall be taken by the Board. The Board of City Commissioners shall accept, modify, or reject any findings of fact or conclusions of law, or remand the decision back to the Examiner or Deputy Examiner requesting him either to take additional evidence on certain matters, or to give further consideration to his recommendation without hearing additional evidence. Upon completion of his responsibilities on remand, the Examiner or Deputy Examiner shall transmit his recommendation, with revisions, if any, and the supplementary record, if any, back to the Board for its decision. Any decision of the Board of City Commissioners shall be based on the record of the hearing conducted by the Examiner or Deputy Examiner and of any supplementary hearing conducted on remand. The Board's decision shall be in writing and shall specify findings of fact and conclusions of law and state the extent to which such findings and conclusions are different from those in the Examiner's recommendation. Each material finding shall be supported by substantial evidence in the record.

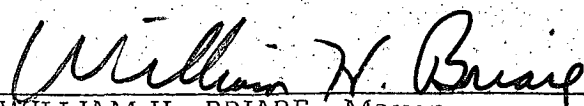
The Board's decision shall be rendered not less than five (5) days but not more than fourteen (14) days after receipt of the Examiner's or Deputy Examiner's recommendation, unless the Board remands the recommendation back to the Examiner or Deputy Examiner for further proceedings, in which event, the Board's decision shall be rendered within fourteen (14) days after the Examiner's recommendation is returned to the Board.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Commissioners of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

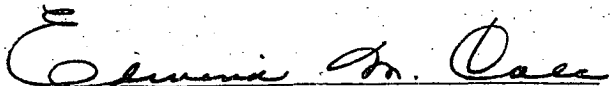
SECTION 3: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

SECTION 4: Any person, firm, corporation or association violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City Jail for not more than six (6) months, or any combination of such fine and imprisonment.

PASSED, ADOPTED AND APPROVED this 5th day of January, 1977,
1976.

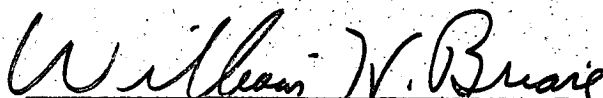

WILLIAM H. BRIARE, Mayor

ATTEST:


EDWINA M. COLE, CITY CLERK

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 1st day of December, 1976, and referred to the following committee composed of Commissioners Woofter and Lurie for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of January, 1977, 1976, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:
VOTING "AYE" COMMISSIONERS Leavitt, Lurie and Mayor Briare
VOTING "NAY" COMMISSIONERS Commissioner Christensen
ABSENT: Commissioner Woofter (excused)

APPROVED:


WILLIAM H. BRIARE, MAYOR

ATTEST:


EDWINA M. COLE, CITY CLERK

BILL NO. 7679
 ORDINANCE NO. 1862
 AN ORDINANCE TO AMEND TITLE
 V OF THE MUNICIPAL CODE OF
 THE CITY OF LAS VEGAS, NEVADA,
 1960 EDITION, BY ADDING
 CHAPTER 43, PROVIDING FOR THE
 APPOINTMENT OF A HEARING EX-
 AMINER AND DEPUTY EXAMINER
 BY THE BOARD OF CITY COM-
 MISSIONERS TO CONDUCT HEAR-
 INGS CONCERNING THE DENIAL,
 NONRENEWAL, SUSPENSION, OR
 REVOCATION OF BUSINESS
 LICENSES, AND TO REPEAL ALL
 ORDINANCES AND PARTS OF OR-
 DINANCES IN CONFLICT THERE-
 WITH.

The above and foregoing ordinance
 was first proposed and read by title
 to the Board of Commissioners on
 the 13th day of December, 1976, and
 referred to the following committee
 composed of Commissioners
 Waafar and Lurie for recommenda-
 tion; thereafter the said committee
 reported favorably on said or-
 dinance on the 5th day of January,
 1977, which was a regular meeting
 of said Board; that at said regular
 meeting the proposed ordinance
 was read by title to the Board of
 Commissioners as first introduced
 and adopted by the following vote:
 VOTING "AYE": Commissioners
 Leavitt, Lurie and Mayor Briare
 VOTING "NAY": Commissioner
 Christensen.
 ABSENT: Commissioner Waafar (ex-
 cused)
 COPIES OF THE COMPLETE OR-
 DINANCE ARE AVAILABLE FOR
 PUBLIC INFORMATION IN THE OF-
 FICE OF THE CITY CLERK, 10TH
 FLOOR, CITY HALL, 400 EAST
 STEWART AVENUE, LAS VEGAS,
 NEVADA.
 PUB: January 11, 1977

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
 COUNTY OF CLARK

{ ss.

ROBERT E. HUNTER

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
 LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
 at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
 continuously published in said newspaper for a period of 1 time

from JANUARY 11, 1977 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

JANUARY 11, 1977

That said newspaper was regularly issued and circulated on each of the dates
 above named.

Signed

Subscribed and sworn to before me this 11th
 day of January, 1977

My Commission Expires



Notary Public in and for Clark County, Nevada
 RUTHE V. DESKIN

Notary Public—State of Nevada
 COUNTY OF CLARK
 My Commission Expires, April 14, 1977

BILL NO. 76-79
ORDINANCE NO.
AN ORDINANCE TO AMEND TITLE
OF THE MUNICIPAL CODE OF
THE CITY OF LAS VEGAS, NEVADA,
1960 EDITION, BY ADDING
CHAPTER 43, PROVIDING FOR THE
APPOINTMENT OF A HEARING EX-
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INGS CONCERNING THE DENIAL,
NONRENEWAL, SUSPENSION, OR
REVOCATION OF BUSINESS
LICENSES, AND TO REPEAL ALL
ORDINANCES AND PARTS OF OR-
DINANCES IN CONFLICT THERE-
WITH.
The above and foregoing or-
dinance was first proposed and read
by title to the Board of Com-
missioners on the 1st day of Decem-
ber, 1976, and referred to the
following committee composed of
Commissioners Woolter and Lurie
for recommendation.
COPIES OF THE COMPLETE OR-
DINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE OF-
FICE OF THE CITY CLERK, 10TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB. December 8, 1976

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

* ROBERT E. HUNTER, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time

from DECEMBER 8, 1976 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

DECEMBER 8, 1976

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Subscribed and sworn to before me this 8th
day of December, 1976

My Commission Expires



Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

Notary Public—State of Nevada
COUNTY OF CLARK

My Commission Expires April 14, 1977