

BILL NO.: 76-15

ORDINANCE NO. 1828

AN ORDINANCE TO AMEND TITLE V, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, BY DELETING THE EXISTING CHAPTER 37 AND ADDING A NEW CHAPTER 37, ENTITLED HEALTH CLUBS, SPAS, WEIGHT REDUCTION SALONS AND CLUBS, AND INCLUDING CERTAIN PROVISIONS RELATING TO LICENSING, INVESTIGATORY FUNCTIONS AND BONDING, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR 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, CHAPTER 37 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

CHAPTER 37

[UNLAWFUL SALES PRACTICES]

HEALTH CLUBS, SPAS, WEIGHT REDUCTION SALONS AND CLUBS

5-37-1 [Business Requiring Membership Fees: It shall be unlawful for any health spa, health club, reducing salon or other business which requires the payment of a membership fee or membership dues in return for services, advice, equipment usage or any discount or privilege whatsoever, to conduct business without first posting a bond with the Department of License and Revenue of the City of Las Vegas. Such bond shall be in the amount of ten thousand dollars (\$10,000.00) and must be approved by the City Attorney.]

DEFINITION: The "Health Clubs, Spas, Weight Reduction Salons and Clubs" encompassed in this Chapter shall include all health spas, health clubs and businesses which require membership fees in return for any of the following services: Reducing advice and services, use of gyms, gym equipment, suanas, whirlpool systems, steam baths; advice in connection with physical fitness, weight reduction or other advice and services obviously contemplated by and normally within the range of services provided by health spas, health clubs and weight reduction salons and clubs.

This definition does not purport to include non-profit, charitable or eleemosynary businesses, clubs, or associations which have secured a "Charitable Solicitation Review Board Permit" in accordance with Title II, Chapter 7 of this Code, or as defined by Section 501(c)(3) of the Internal Revenue Code (1954). This definition does not contemplate the inclusion of normal physical therapy and treatment incidental to hospital treatment and normally provided by hospitals, clinics and their personnel.

5-37-2 LICENSE REQUIRED: It shall be unlawful for any club or business, as defined above, to engage in such businesses without first obtaining a license therefor in compliance with the provisions of this chapter.

5-37-3 LICENSE APPLICATION: Applicants for a license shall file with the Supervisor of License a sworn application in writing (in duplicate) on a form to be furnished by the Supervisor of License which shall give the following information:

- (A) Name. Name and description of the applicant.
- (B) Address. Permanent home address and full local address of the applicant.
- (C) Description of Business. A brief description of the nature of the business and the services to be provided.
- (D) Name and Address of Local Place of business. If a franchise of a larger organization, the name and address of the organization and principal place of business and state of incorporation, together with credentials establishing the exact relationship.
- (E) Duration of Business. The length of time for which the right to do business is desired.
- (F) Information as to services proposed to be sold. The place where the services proposed to be sold, or orders taken for the sale thereof, and the proposed method of complying with the manner in which services are to be provided.

(G) Photograph of Applicant. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches (2"x2") showing the head and shoulders of the applicant in a clear and distinguishing manner.

(H) Fingerprints of Applicant; References. The fingerprints of the applicant and the names of at least four (4) character references who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

(I) Statement as to Former Convictions. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any Municipal Law, the nature of the offense and the punishment or penalty assessed therefor; and

(J) Investigation Fee. At the time of filing the application, a fee of one hundred dollars (\$100.00) shall be paid to the Supervisor of License to cover the cost of investigation of the facts stated therein.

5-37-4

INVESTIGATION; ISSUANCE:

(A) Investigation by Sheriff. Upon receipt of such application, the original shall be referred to the Sheriff, who shall cause such investigation of the information contained in the application to be made as he deems necessary for the protection of the public good.

(B) The Licensing Supervisor shall issue a license for the businesses defined in this Chapter if all requirements described in this Chapter are met, unless it is found:

(1) That the operation as proposed by the applicant if permitted would not have complied with all applicable laws including but not limited to the Building, Health, Department of Community Development, Housing and Fire Codes of the City of Las Vegas or regulations adopted.

(2) That the applicant has been convicted of any of the following offenses or convicted of an offense without the State of Nevada that would have constituted any of the following offenses if committed within the State of Nevada:

(a) An offense involving the use of force and violence upon the person of another that amounts to a felony.

(b) An offense involving sexual misconduct.

(c) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.

(3) Any applicant who knowingly furnishes false information on the application form for a license or permit will be prohibited from holding any license or permit under this Chapter.

(C) Disapproval of Application; Notification of Applicant. If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Sheriff shall

endorse on such application his disapproval and his reasons for the same and return the application to the License Supervisor, who shall notify the applicant that his application is disapproved and that no license will be issued.

(D) Approval or Denial of Application: The City of Las Vegas shall act to approve or deny an application for a license or permit under this Chapter within a reasonable period of time and in no event shall the City of Las Vegas, Nevada, act to approve or deny said license or permit later than ninety (90) days from the date that said application was accepted by the Department of Licensing and Revenue.

5-37-5

BOND REQUIRED: Every applicant shall file with the License Supervisor a surety bond running to the City in the amount of ten thousand dollars (\$10,000.00) with surety acceptable to and approved by the City Attorney, conditioned that the applicant shall comply fully with all the provisions of this Chapter and all other Laws of

the City and the Statutes of the State, regulating and concerning the businesses enumerated in this chapter and the payment of license fees, and guaranteeing to any citizen that all money paid as a down payment will be accounted for and applied according to the representations of the club or business, further guaranteeing to any citizen doing business with such club or business, that the services purchased will be provided according to the representations of such business. Action on such bond may be brought in the name of the City to the use or benefit of the City or the aggrieved person, as the case may be.

5-37-6 LICENSE FEES: The license fee which shall be paid to the License Supervisor upon the issuance of a license hereunder shall be based upon gross amount of sales and shall be as follows:

When the quarterly gross sales are three thousand dollars (\$3,000.00) or less, the sum of seventy-five dollars (\$75.00) per quarter.

Where the quarterly gross sales are over three thousand dollars (\$3,000.00) and do not exceed five thousand dollars (\$5,000.00), the sum of one hundred and twenty-five dollars (\$125.00) per quarter.

Where the quarterly gross sales are over five thousand dollars (\$5,000.00) and do not exceed ten thousand dollars (\$10,000.00), the sum of two hundred and fifty dollars (\$250.00) per quarter.

Where the quarterly gross sales are over ten thousand dollars (\$10,000.00) and do not exceed fifteen thousand dollars (\$15,000.00), the sum of three hundred and seventy-five dollars (\$375.00) per quarter.

Where the quarterly gross sales are over fifteen thousand dollars (\$15,000.00) and do not exceed twenty thousand dollars (\$20,000.00), the sum of five hundred dollars (\$500.00) per quarter.

Where the quarterly gross sales are over twenty thousand dollars (\$20,000.00) and do not exceed thirty thousand dollars (\$30,000.00), the sum of seven hundred and fifty dollars (\$750.00) per quarter.

Where the quarterly gross sales are over thirty thousand dollars (\$30,000.00) and do not exceed forty thousand dollars (\$40,000.00), the sum of one thousand dollars (\$1,000.00) per quarter.

Where the quarterly gross sales are over forty thousand dollars (\$40,000.00), the sum of one thousand two hundred and fifty dollars (\$1,250.00) per quarter.

Where the gross sales for two (2) months are two thousand dollars (\$2,000.00) or less, the sum of fifty-five dollars (\$55.00) per two (2) months.

Where the gross sales for two (2) months are over two thousand dollars (\$2,000.00) and do not exceed three thousand three hundred thirty-five dollars (\$3,335.00), the sum of ninety dollars (\$90.00) per two (2) months.

Where the gross sales for two (2) months are over three thousand three hundred thirty-five dollars (\$3,335.00) and do not exceed six thousand six hundred sixty-five dollars (\$6,665.00) the sum of one hundred eighty-five dollars (\$185.00) per two (2) months.

Where the gross sales for two (2) months are over six thousand six hundred sixty-five dollars (\$6,665.00) and do not exceed ten thousand dollars (\$10,000.00), the sum of two hundred seventy-five dollars (\$275.00) per two (2) months.

Where the gross sales for two (2) months are over ten thousand dollars (\$10,000.00) and do not exceed thirteen thousand three hundred thirty-five dollars (\$13,335.00), the sum of three hundred sixty-five dollars (\$365.00) per two (2) months.

Where the gross sales for two (2) months are over thirteen thousand three hundred thirty-five dollars (\$13,335.00) and do not exceed twenty thousand dollars (\$20,000.00), the sum of five hundred fifty dollars (\$550.00) per two (2) months.

Where the gross sales for two (2) months are over twenty thousand dollars (\$20,000.00) and do not exceed twenty-six thousand six hundred sixty-five dollars (\$26,665.00), the sum of seven hundred thirty-five dollars (\$735.00) per two (2) months.

Where the gross sales for two (2) months are over twenty-six thousand six hundred sixty-five dollars (\$26,665.00), the sum of nine hundred fifteen dollars (\$915.00) per two (2) months.

Where the monthly gross sales are one thousand dollars (\$1,000.00) or less, the sum of thirty dollars (\$30.00) per month.

Where the monthly gross sales are over one thousand dollars (\$1,000.00) and do not exceed one thousand six hundred sixty-five dollars (\$1,665.00) the sum of fifty dollars (\$50.00) per month.

Where the monthly gross sales are over one thousand six hundred sixty-five dollars (\$1,665.00) and do not exceed three thousand three hundred thirty-five dollars (\$3,335.00), the sum of one hundred dollars (\$100.00) per month.

Where the monthly gross sales are over three thousand three hundred thirty-five dollars (\$3,335.00) and do not exceed five thousand dollars (\$5,000.00), the sum of one hundred fifty dollars (\$150.00) per month.

Where the monthly gross sales are over five thousand dollars (\$5,000.00) and do not exceed six thousand six hundred sixty-five dollars (\$6,665.00), the sum of two hundred dollars (\$200.00) per month.

Where the monthly gross sales are over six thousand six hundred sixty-five dollars (\$6,665.00) and do not exceed ten

thousand dollars (\$10,000.00), the sum of three hundred dollars (\$300.00) per month.

Where the monthly gross sales are over ten thousand dollars (\$10,000.00) and do not exceed thirteen thousand three hundred thirty-five dollars (\$13,335.00), the sum of four hundred dollars (\$400.00) per month.

Where the monthly gross sales are over thirteen thousand three hundred thirty-five dollars (\$13,335.00), the sum of five hundred dollars (\$500.00) per month.

Prior to the issuance of a license hereunder, the applicant therefor shall state in writing under oath to the Supervisor of License the probable amount of gross sales which it is estimated will be made in the ensuing period for which the license is to be issued, and where such applicant has held a license for the next preceding period the estimate shall be computed upon the amount of gross sales made during the preceding period. Where the amount of gross sales actually made in any period shall be in excess of the estimate for such period, the license shall be indebted to the City for any deficiency in fee paid for such period and liable therefore to the City in a civil action. No license hereunder shall be issued to the licensee for any subsequent period unless and until such deficiency is paid to the Supervisor of License, and when so paid shall constitute an additional fee for any license issued hereunder for such subsequent period and be deemed in full payment of such deficiency. The Supervisor of License and any other officer designated by him shall have power and authority to enter any gym, building or any other place in which such business may be conducted at any time during business hours for ascertaining the amount of sales made and shall at all times have access to the books of such business.

5-37-7 TRANSFER OF LICENSE: No license issued hereunder shall be transferred without the written consent of the Board of Commissioners, and then only upon compliance by the transferee with all of the requirements provided for in this Chapter for the issuance of an original license.

5-37-8 DUTY OF SUPERVISOR OF LICENSE: The Supervisor of License shall deposit the record of the fingerprints of the licensee, together with a license number, with the Sheriff. The Sheriff shall report to the Supervisor of License any complaints against any person licensed under the provisions of this Chapter and any conviction for violation of this Chapter. The Supervisor of License shall keep a record of all such licenses and of such complaints and violations.

5-37-9 REVOCAION; NOTICE OF HEARING:

(A) Licenses issued under the provisions of this Chapter may be revoked by the Board of Commissioners after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license.
2. Fraud, misrepresentation or false statement made in the course of carrying on his business as health club, health spa, weight reduction club or organization as defined in this Chapter.
3. Any violation of this Chapter.
4. Conviction of any crime defined in Section 4(B)(2) of this chapter.
5. Conducting a business defined in this Chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Investigation of violations and Notice of the hearing for revocation of a license shall be in accordance with the procedures outlined in Chapter 27 of this Title.

5-37-10 APPEALS: Any person aggrieved by the action of the Sheriff or the License Supervisor in the denial of a permit or license as provided in this Chapter shall have the right of appeal to the Board of Commissioners. Such appeal shall be taken by filing with the Board of Commissioners, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Commissioners shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in this Chapter for notice of hearing on revocation. The decision and order of the Board of Commissioners on such appeal shall be final and conclusive.

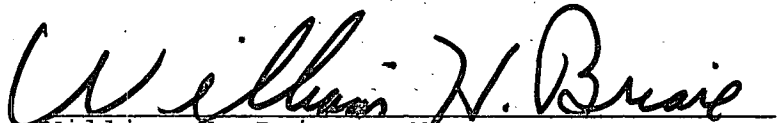
SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of 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.

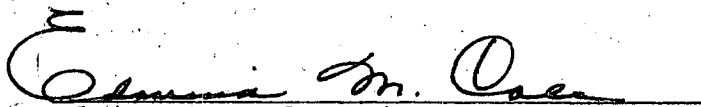
SECTION 4: Any person, firm, corporation or association violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment.

SECTION 5: If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason held invalid, inapplicable, or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

PASSED, ADOPTED AND APPROVED this 7th day of July, 1976.


William H. Briare, Mayor

ATTEST:


Edwina M. Cole, City Clerk

(SEAL)

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 16th day of June, 1976, and referred to the following committee composed of Commissioners Leavitt and Mayor Briare for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of July, 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 amended and adopted by the following vote:

VOTING "AYE": Commissioners Christensen, Leavitt, Woofter and Mayor Briare

VOTING "NAY": None

ABSENT: Commissioner Lurie (excused)

APPROVED:

William H. Briare
William H. Briare, Mayor

ATTEST:

Edwina M. Cole
Edwina M. Cole, City Clerk

(SEAL)

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 19 10 31 AM '76

CITY CLERK

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 one insertions from period of July 14, 1976 to July 14, 1976 inclusive, being the issue of said newspaper for the following dates, to wit:

July 14, 1976

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

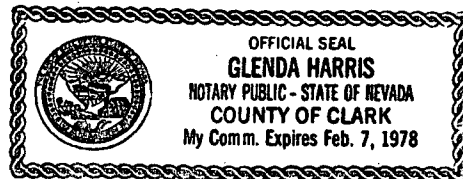
SIGNED *George J. Vasconi*
GEORGE J. VASCONI

Subscribed and sworn to before me this 14 day of July 19 76

NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

Glenda Harris

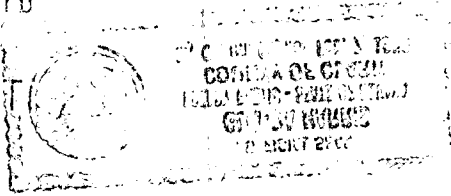
FIRST AMENDMENT
BILL NO: 76-15
ORDINANCE NO. 1828
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OF THE MUNICIPAL CODE OF THE
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AND ADDING A NEW CHAPTER 37, ENTITLED
HEALTH CLUBS, SPAS, WEIGHT REDUCTION
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INVESTIGATORY FUNCTIONS AND BONDING,
PROVIDING OTHER MATTERS PROPERLY
RELATING THERETO; AND REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES IN
CONFLICT THEREWITH.
The above, and foregoing ordinance was
first proposed and read by title to the Board
of Commissioners on the 16th day of June,
1976, and referred to the following committee
composed of Commissioners Leavitt and
Mayor Briare for recommendation; there-
after the said committee reported favorably
on said ordinance on the 7th day of July,
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 amended and
adopted by the the following vote:
VOTING "AYE": Commissioners-
Christensen, Leavitt, Woolfer and Mayor
Briare
VOTING "NAY": None
ABSENT: Commissioner Lurie (excused)
COPIES OF THE COMPLETE ORDINANCE
ARE AVAILABLE FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY CLERK,
10TH FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
Pub July 14, 1976



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FINANCE DEPT



CLERK STEER

JUL 16 10 17 AM '76

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CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 one insertions from period of June 18, 1976 to June 18, 1976 inclusive, being the issue of said newspaper for the following dates, to wit:

June 18, 1976

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

SIGNED George J. Vasconi
GEORGE J. VASCONI

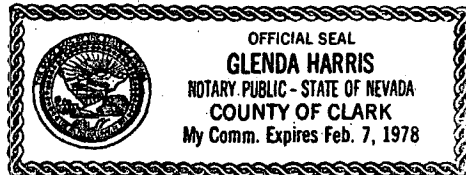
Subscribed and sworn to before me this 18 day of June 19 76

BILL NO.: 76-15
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AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 16th day of June, 1976, and referred to the following committee composed of Commissioners Leavitt and Mayor Briare for recommendation.
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
June 18, 1976

NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA

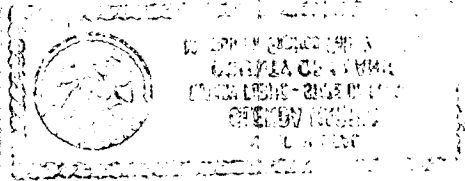
Glenda Harris



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FINANCE DEPT



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