

FIRST AMENDMENT

BILL NO. 2007-78

ORDINANCE NO. 5964

AN ORDINANCE TO CLARIFY THE PROCESS FOR THE NONRENEWAL OF BUSINESS LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson Summary: Clarifies the process for the nonrenewal of business licenses.

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

SECTION 1: Title 6, Chapter 2, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.090: (A) Other than an application for a license which requires prior approval by an agency of the State, an application for a license which requires formal approval of the Council to which the exemptions in LVMC 6.02.070(E)(1)- (4) do not apply, or a license that is subject to the provisions of LVMC Chapter 6.06, the Director, not more than thirty calendar days after receipt of an application for a license, shall approve, deny or take such other action with respect to such application as the Director considers appropriate. In the event that any department that the Director consults regarding an application is unable to complete its review thereof in time for the Director to comply with such thirty- calendar- day requirement, the Director shall issue a temporary license as provided in LVMC 6.02.070. The Director may:

(1) Deny an applicant a license if:

(a) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information that is required in the application;

(b) The applicant, prospective licensee or any of its principals fails to satisfy any qualification or requirement that is imposed by this Code, or other local, State or Federal law or regulation that pertains to the particular license or approval for suitability which is sought;

(c) The applicant, prospective licensee or any of its principals resides in the United States illegally;

(d) The applicant, prospective licensee or any of its principals is



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1 engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a
2 business, trade or profession without having obtained a valid license, an approval for suitability, a
3 permit or a work card when such a person knew that one was required or under such circumstances
4 that they reasonably should have known one was required, or has solicited, encouraged, caused or
5 procured another to do so;

6 (e) The applicant, prospective licensee or any of its principals has
7 been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an
8 approval for suitability, a permit or a work card to the extent that such disciplinary action reflects upon
9 the qualification, acceptability or fitness of the applicant, prospective licensee or any of its principals;

10 (f) The applicant, prospective licensee or any of its principals has
11 been convicted of an act that constitutes a crime which involves moral turpitude or involves any local,
12 State or Federal law or regulation which relates to the same or a similar business, or has been
13 convicted of having solicited, encouraged, caused or procured another to commit such a violation;

14 (g) The applicant, prospective licensee or any of its principals has
15 been convicted of having perpetrated, or solicited, encouraged, caused or procured another to
16 perpetrate, deceptive practices upon the public;

17 (h) The applicant, prospective licensee or any of its principals
18 suffers from a legal disability under the laws of the State;

19 (i) The premises on which the business is proposed to be conducted
20 do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed
21 to be engaged in; or

22 (j) The proposed business activity constitutes, promotes, fosters,
23 aids or otherwise enables a private nuisance, public nuisance or chronic nuisance.

24 (2) [Refuse] Decline to renew a license if:

25 (a) The licensee or any of its principals is engaged, or has
26 commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or
27 profession without having obtained a valid license, an approval for suitability, a permit or a work card
28 when such a person knew that one was required or under such circumstances that they reasonably

1 should have known one was required, or has solicited, encouraged, caused or procured another to do
2 so;

3 (b) The licensee, any of its principals, or their employees or those
4 acting on their behalf, have been subject, in any jurisdiction, to disciplinary action of any kind with
5 respect to a license, an approval for suitability, a permit or a work card to the extent that such
6 disciplinary action reflects upon the qualification, acceptability or fitness of such licensee or any
7 principal;

8 (c) The licensee, any of its principals, or their employees or those
9 acting on their behalf, have been convicted of an act that constitutes a crime which involves moral
10 turpitude or involves any local, State or Federal law or regulation which relates to the same or a
11 similar business, or have been convicted of having solicited, encouraged, caused or procured another
12 to commit such a violation;

13 (d) The licensee, any of its principals, or their employees or those
14 acting on their behalf, violate a condition which is imposed upon the license;

15 (e) The licensee, any of its principals, or their employees or those
16 acting on their behalf, have been convicted of having perpetrated deceptive practices upon the public;

17 (f) The licensee or any of its principals suffers from a legal
18 disability under the laws of the State;

19 (g) The premises on which the business is conducted do not satisfy
20 local, state or federal laws or regulations which pertain to the activity which is actually engaged in;
21 or

22 (h) The business activity constitutes, promotes, causes, allows,
23 fosters, aids, or otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been
24 or is being conducted in an unlawful, illegal or impermissible manner, including but not limited to
25 causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or
26 failing to abate a private nuisance, public nuisance or chronic nuisance.

27 (B) In order to decline renewal of a license pursuant to Paragraph (2) of Subsection
28 (A) of this Section, the Director must first:

- 1 (1) Obtain the written approval of the City Attorney's Office; and
2 (2) Mail or deliver to the licensee, at least twenty-one days before the
3 licensing period expires, written notice of the nonrenewal, including a generalized statement of the
4 reasons therefor.

5 A failure by the City Attorney's Office to respond within three business days to a request for approval
6 under this Subsection shall be deemed an approval thereunder.

7 [(B)] (C) The Director shall base a decision to deny, revoke, suspend or fail to renew any
8 license sought or obtained under this Chapter upon the objective criteria set forth in Subsection (A)
9 and not upon a desire or need to suppress or censor expressive material, or to address conduct that
10 does not constitute or aid and abet criminal conduct or activity or other conduct harmful to the public
11 health, safety, welfare, morals and peace.

12 SECTION 2 Title 6, Chapter 2, Section 230, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.02.230:** In order to renew a license the licensee must pay the appropriate license tax, and where
15 the tax is based upon gross sales or amount of business, the licensee shall declare the gross sales or
16 amount of business he did in the last preceding period. The payment of a license tax does not by itself
17 entitle the licensee to renewal of a license.

18 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
19 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
20 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
21 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
22 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
23 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
24 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
25 invalid or ineffective.

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SECTION 4: 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 6th day of February, 2008.

APPROVED:

By 
OSCAR B. GOODMAN, Mayor

ATTEST:


BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steel 1-16-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 19th day of December, 2007 and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 6th day of
4 February, 2008 which was a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as amended and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Pro-Tem Reese and Councilmembers Brown, Wolfson,
8 Tarkanian, Ross and Barlow

9 VOTING "NAY": NONE

10 EXCUSED: Mayor Goodman

11 ABSTAINED: NONE

12 APPROVED:

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15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 _____
19 BEVERLY K. BRIDGES, CMC City Clerk
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BILL NO. 2007-78

ORDINANCE NO. _____

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(a) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information that is required in the application;

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(d) The applicant, prospective licensee or any of its principals is engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a

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2 permit or a work card when such a person knew that one was required or under such circumstances
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8 the qualification, acceptability or fitness of the applicant, prospective licensee or any of its principals;

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23 or is being conducted in an unlawful, illegal or impermissible manner, including but not limited to
24 causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or
25 failing to abate a private nuisance, public nuisance or chronic nuisance.

26 (B) In order to decline renewal of a license pursuant to Paragraph (2) of Subsection
27 (A) of this Section, the Director must first:

28 (a) Obtain the written approval of the City Attorney's Office to proceed

1 with nonrenewal; and

2 (b) Mail or deliver to the licensee, at least thirty days before the licensing
3 period expires, written notice of the Director's intent to proceed with nonrenewal, including a
4 generalized statement of the reasons for nonrenewal.

5 [(B)] (C) The Director shall base a decision to deny, revoke, suspend or fail to renew any
6 license sought or obtained under this Chapter upon the objective criteria set forth in Subsection (A)
7 and not upon a desire or need to suppress or censor expressive material, or to address conduct that
8 does not constitute or aid and abet criminal conduct or activity or other conduct harmful to the public
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15 entitle the licensee to renewal of a license.

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17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
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23 invalid or ineffective.

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SECTION 4: 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 _____, 2008.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-6-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

**BUSINESS IMPACT STATEMENT
BILL NO. 2007-78**

(Clarifies the process for the nonrenewal of business licenses)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-78, that would clarify the process for the nonrenewal of business licenses

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

Improved notice of any nonrenewal actions

Direct effects:

Improved notice of any nonrenewal actions

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: December 6, 2007

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2008 JAN 30 A 11:17

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, 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 2296311LV 3478285

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/25/2008 to 01/25/2008, on the following days:

01/25/2008

FIRST AMENDMENT
BILL NO. 2007-78

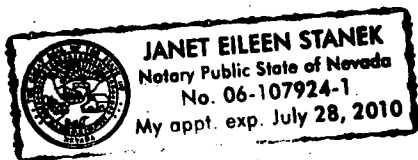
AN ORDINANCE TO CLARIFY THE PROCESS FOR THE NONRENEWAL OF BUSINESS LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson
Summary: Clarifies the process for the nonrenewal of business licenses.

At the City Council meeting of DECEMBER 19, 2007 BILL NO. 2007-78 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: January 25, 2008
LV Review-Journal



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
28th day of January, 2008.

Janet Eileen Stanek
Notary Public

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, 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 2296311LV 3547125

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/09/2008 to 02/09/2008, on the following days:

02/09/2008

FIRST AMENDMENT
 BILL NO. 2007-78
 ORDINANCE NO. 5964

AN ORDINANCE TO CLARIFY THE PROCESS FOR THE NONRENEWAL OF BUSINESS LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson
 Summary: Clarifies the process for the nonrenewal of business licenses.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of December 2007 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 6th day of February 2008, 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 amended and was adopted by the following vote:

VOTING "AYE": Mayor Pro Tem Reese and Councilmembers Brown, Wolfson, Tarkanian, Ross, and Barlow
 VOTING "NAY": NONE
 EXCUSED: Mayor Goodman

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: February 9, 2008
 LV Review-Journal



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
12th day of February, 2008.

Janet Eileen Stanek
Notary Public