

1 **FIRST AMENDMENT**

2 **BILL NO. 2008-41**

3 **ORDINANCE NO. 6000**

4 AN ORDINANCE TO AMEND PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO
5 CERTAIN FINGERPRINT CHECKS TO INCLUDE MORE DETAILED REFERENCES TO STATE
6 LAW IN ORDER TO MEET NEW REQUIREMENTS OF THE FEDERAL BUREAU OF
7 INVESTIGATION; TO EXPRESSLY SET FORTH THE CITY'S AUTHORITY TO REQUIRE AND
8 PROCESS FEDERAL FINGERPRINT CHECKS FOR BUSINESS LICENSE APPLICANTS
9 WITHIN CERTAIN LICENSE CATEGORIES; AND TO PROVIDE FOR OTHER RELATED
10 MATTERS.

11 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends provisions of the Municipal Code pertaining to certain fingerprint checks to include more detailed references to State law in order to meet new requirements of the Federal Bureau of Investigation, and to expressly set forth the City's authority to require and process Federal fingerprint checks for business license applicants within certain license categories.

12
13 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
14 AS FOLLOWS:

15 SECTION 1: Title 3, Chapter 24, Section 10, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **3.24.010:** (A) The City is authorized to require all applicants for employment with the City
18 to submit to a background investigation that will include the receipt of information from the Federal
19 Bureau of Investigation regarding the background and personal history of such applicants. In each
20 such case:

- 21 (1) The applicant is required to submit to fingerprinting.
- 22 (2) A complete set of fingerprints will be taken and will be forwarded to
23 the Central Repository for Nevada Records of Criminal History.
- 24 (3) The Central Repository for Nevada Records of Criminal History is
25 authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and to
26 exchange fingerprint data with the FBI.
- 27 (4) The purpose for the submission of fingerprints is to allow for a State and
28 Federal criminal records investigation regarding the applicant to determine suitability for employment.

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1 (B) This Section is adopted under the authority of, and consistent with, NRS
2 [239B.010] 239B.010(1)(b) and Public Law 92-544, and should be read and interpreted in connection
3 therewith.

4 SECTION 2: Title 6, Chapter 6, Section 80, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

7 (B) The applicant shall submit to fingerprinting and photographing, shall authorize
8 the City in writing to obtain information from the past and present employers, criminal justice
9 agencies, financial institutions, Federal, State and local governments and agencies, and other persons
10 and entities, and shall consent in writing to the release of such information to the City for use in
11 connection with the application for approval for suitability and other City business regulations. The
12 applicant shall also sign a release of claims and a hold harmless agreement to the City for its use of
13 the information provided by the applicant or discovered during any investigation thereof.

14 (C) Each applicant for a license within the following categories shall be subject
15 to the provisions of Subsection (D) of this Section:

16 (1) Adult nightclub establishment;

17 (2) Alcoholic beverage;

18 (3) Burglar alarm services;

19 (4) Child care facility;

20 (5) Erotic dance establishment;

21 (6) Gaming;

22 (7) Ice cream truck;

23 (8) Locksmith and safe mechanic;

24 (9) Martial arts instruction;

25 (10) Massage establishment;

26 (11) Mobile food vendor;

27 (12) Pawnbroker;

28 (13) Psychic arts and science;

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- (14) Reflexology;
- (15) Secondhand dealer;
- (16) Teenage dancehall or teenage nightclub; and
- (17) Wedding chapel.

(D) In the case of the license categories listed in Subsection (C) of this Section, applicants are required to submit to fingerprinting for purposes of a fingerprint check through the Federal Bureau of Investigation (FBI). In each such case:

(1) A complete set of fingerprints will be taken and will be forwarded to the Central Repository for Nevada Records of Criminal History.

(2) The Central Repository for Nevada Records of Criminal History is authorized to submit the fingerprints to the FBI for its report and to exchange fingerprint data with the FBI.

(3) The purpose for the submission of fingerprints is to allow for a State and Federal criminal records investigation regarding the applicant to determine suitability for licensing relative to the specified type of business.

(E) The provisions of Subsections (C) and (D) of this Section are adopted under the authority of, and consistent with, NRS 239B.010(1)(a) and Public Law 92-544, and should be read and interpreted in connection therewith.

SECTION 3: Title 6, Chapter 86, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.86.060: (A) In the case of work card applications listed in Section 6.86.050, applicants are required to submit to fingerprinting for purposes of a fingerprint check through the Federal Bureau of Investigation. In each such case:

(1) A complete set of fingerprints will be taken and will be forwarded to the Central Repository for Nevada Records of Criminal History.

(2) The Central Repository for Nevada Records of Criminal History is authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and to exchange fingerprint data with the FBI.

1 (3) The purpose for the submission of fingerprints is to allow for a State
2 and Federal criminal records investigation regarding the applicant to determine suitability for a
3 work card for employment within the specified type of business.

4 (B) This Section is adopted under the authority of, and consistent with, NRS
5 [239B.010] 239B.010(1)(a) and Public Law 92-544, and should be read and interpreted in
6 connection therewith.

7 SECTION 4: The provisions of Sections 1 and 3 of this Ordinance shall be
8 deemed to have gone into effect on April 6, 2008, the effective date of Ordinance No. 5979.

9 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause
10 or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or
11 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
12 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
13 Council of the City of Las Vegas hereby declares that it would have passed each section,
14 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
15 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be
16 declared unconstitutional, invalid or ineffective.

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SECTION 6: 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 20th day of August, 2008.

APPROVED:

By 
~~OSCAR B. GOODMAN, Mayor~~

Gary Reese, Mayor Pro-Tem

ATTEST:


BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steel 8-20-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 6th day of August, 2008 and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 20th day of
4 August, 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 Goodman and Councilmembers Reese, Brown, Wolfson,

8 Tarkanian, Ross and Barlow

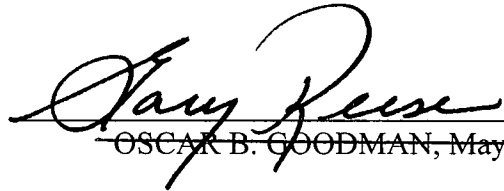
9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 ABSTAINED: NONE

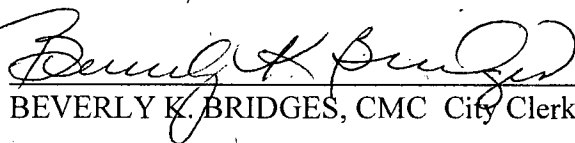
12 DID NOT VOTE: NONE

13 APPROVED:

14 
15 OSCAR B. GOODMAN, Mayor

16 **Gary Reese, Mayor Pro-Tem**

17 ATTEST:

18 
19 BEVERLY K. BRIDGES, CMC City Clerk

BILL NO. 2008-41

ORDINANCE NO. _____

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20 (6) Gaming;
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22 (8) Locksmith and safe mechanic;
23 (9) Martial arts instruction;
24 (10) Massage establishment;
25 (11) Mobile food vendor;
26 (12) Pawnbroker;
27 (13) Psychic arts and science;
28 (14) Secondhand dealer; and

1 (15) Teenage dancehall or teenage nightclub.

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

17 PASSED, ADOPTED and APPROVED this ____ day of _____,
18 2008.

19 APPROVED:

20
21 By _____
OSCAR B. GOODMAN, Mayor

22 ATTEST:

23 _____
24 BEVERLY K. BRIDGES, CMC
City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 7-29-08
27 _____
Date

28

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
6 said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

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AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2008 AUG 25 P 1:32

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

4318808

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/09/2008 to 08/09/2008, on the following days:

08/09/2008

BILL NO. 2008-41

AN ORDINANCE TO AMEND PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO CERTAIN FINGERPRINT CHECKS TO INCLUDE MORE DETAILED REFERENCES TO STATE LAW IN ORDER TO MEET NEW REQUIREMENTS OF THE FEDERAL BUREAU OF INVESTIGATION; TO EXPRESSLY SET FORTH THE CITY'S AUTHORITY TO REQUIRE AND PROCESS FEDERAL FINGERPRINT CHECKS FOR BUSINESS LICENSE APPLICANTS WITHIN CERTAIN LICENSE CATEGORIES; AND TO PROVIDE FOR OTHER RELATED MATTERS.

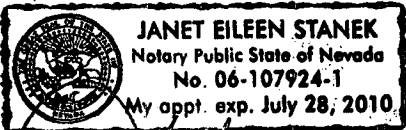
Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends provisions of the Municipal Code pertaining to certain fingerprint checks to include more detailed references to State law in order to meet new requirements of the Federal Bureau of Investigation, and to expressly set forth the City's authority to require and process Federal fingerprint checks for business license applicants within certain license categories.

At the City Council meeting of AUGUST 6, 2008 BILL NO. 2008-41 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: August 9, 2008
LV Review-Journal



Signed:

Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

11th day of August, 2008.

Janet Eileen Stanek

Notary Public

