

BILL NO. 81-54

Ordinance No. 2187

AN ORDINANCE RELATING TO BUSINESSES; PROVIDING FOR UNIFORM REGULATION ON ALL BUSINESSES DETERMINED BY THE BOARD TO BE "PRIVILEGED"; REQUIRING AN APPROVAL OF SUITABILITY TO PRINCIPALS; ALLOWING THE DIRECTOR TO WAIVE SUITABILITY IN SOME CIRCUMSTANCES; PROVIDING DISCIPLINE AND PENALTIES FOR VIOLATION; PROVIDING FOR EMERGENCY ORDERS BY THE DIRECTOR AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored by:	Summary: Provides uniform
Commissioner Ron Lurie	regulations and application
	requirements for all "privi-
	leged" businesses.

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

SECTION 1: Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to add a new Chapter 4 as follows:

5-4-1: (A) The provisions of this Chapter apply to those businesses which are found by the Board to require a high degree of supervision and to more seriously effect the economic, social or moral well-being of the City and its residents. These businesses have been commonly referred to as "privileged" and require Board approval for a license.

(B) Businesses governed by this Chapter must also comply with Chapter 1 of this Title unless particular provisions of Chapter 1 are superseded by the provisions herein.

5-4-2: The application for a license must provide:

(A) The applicant's prior business activities, financial history and business associations covering at least the ten year period immediately

preceding the year or filing the application.

(B) The name, address and job description of each person who is to be actively engaged in the administration or supervision of the business to be licensed. The applicant shall agree in writing that, if a license is granted, the applicant will accept the license subject to all of the terms and provisions of this Title and that the license is a privilege conferred upon the person who is granted the license. The applicant shall authorize the City in writing to obtain information from criminal justice agencies; financial institutions; federal, state and local governments and agencies; and other persons and entities and shall consent in writing to the release of such information to the City for use in connection with the application for the license and other City business regulations. The applicant shall also sign a release of claims and hold harmless agreement to the City for its use of the information provided by the applicant or discovered during any investigation thereof.

(C) Information showing the applicant's finances, net worth, earnings or revenues which is submitted as a part of the application for a license shall be treated as confidential except as follows:

- (1) In the ordinary course of the administration of this Chapter.
- (2) Pursuant to a subpoena or other order of

1 a court of competent jurisdiction.

2 (3) To a duly authorized agent of any governmental
3 agency acting pursuant to the agency's
4 authority and function.

5 5-4-3: (A) Each Principal must be approved for suitability
6 in order to be associated with a business subject
7 to this chapter.

8 (B) The application for approval for suitability
9 shall be filed with the Department on forms
10 acceptable to the Department. The applicant
11 shall furnish all the information required by
12 the Department including, but not limited to:
13 (i) the applicant's personal and family
14 history, (ii) the applicant's present and
15 past financial position and history, (iii)
16 the applicant's criminal history and civil
17 and administrative litigation history, (iv)
18 the applicant's education, training, employment,
19 business and professional history, and (v)
20 the applicant's past and proposed affiliation
21 with the licensee. The Department is authorized
22 to require disclosure of any information that
23 reasonably relates, to the applicant's qualification,
24 acceptability or fitness for an approval for
25 suitability.

26 (C) The application must be signed and verified
27 by the applicant under oath. The applicant
28 shall submit to fingerprinting and photographing,
29 shall authorize the City in writing to obtain
30 information from the past and present employers;
31 criminal justice agencies; financial institutions,
32 federal, state and local governments and

1 agencies; and other persons and entities and
2 shall consent in writing to the release of
3 such information to the City for use in
4 connection with the application for approval
5 for suitability and other City business
6 regulations. The applicant shall also sign a
7 release of claims and a hold harmless agreement
8 to the City for its use of the information
9 provided by the applicant or discovered
10 during any investigation thereof.

11 (D) Information showing the applicant's finances,
12 net worth, or revenues which is submitted as
13 a part of the application for an approval for
14 suitability shall be treated as confidential
15 except as follows:

- 16 (1) In the ordinary course of the administration
17 of this Chapter.
18 (2) Pursuant to subpoena or other order of a court
19 of competent jurisdiction.
20 (3) To a duly authorized agent of any governmental
21 agency acting pursuant to the agency's
22 authority and function.

23 (E) The applicant has a continuing duty and obligation
24 to notify the Department of additions, deletions,
25 changes or modifications in the information furnished
26 the Department and this duty continues as long as a
27 valid approval for suitability remains in effect.

28 5-4-4: (A) Notwithstanding LVC 5-4-3 the Director in his
29 discretion may waive a principal from the requirement
30 of an approval for suitability if in his opinion
31 the principal is so far removed from the operation
32 of the business that he will not likely exercise

1 significant influence over the business. Any
2 principal who has been so waived may later be
3 required at the discretion of the Director to
4 apply and be found suitable in order to continue
5 his association with the business.

6 (B) The grant of a waiver confers no privilege on
7 the person to whom it is granted to do any
8 act permitted by this Chapter to be done only
9 by a licensee or a person approved for suitability,
10 but, rather, the waiver represents only an
11 exemption by the City to the person to whom
12 the waiver is granted from the requirement of
13 applying for approval for suitability.

14 (C) The Director, in considering whether to waive
15 a principal, may require personal identification
16 information, a photograph, a completed fingerprint
17 form of the person, information as to such
18 persons responsibilities and authority with
19 the licensee or proposed licensee and a \$75.00
20 investigation fee.

21 5-4-5: (A) After receipt of the completed application
22 for a license or approval of suitability, the
23 Director may refer the matter to the Las
24 Vegas Metropolitan Police Department for
25 further investigation. Upon completion of
26 the investigation, the Director shall submit
27 the application to the Board for its actions.

28 (B) The Board may approve, deny or take such
29 other action with respect to such application
30 as it considers appropriate. The burden of
31 showing qualifications, acceptability or
32 fitness for a license or approval for

1 suitability is upon the applicant. Grounds for
2 denial of a license include, but are not limited
3 to, the grounds for disciplinary action against
4 a Licensee as set forth in LVC 5-1-19. Grounds
5 for denial of an approval of suitability include,
6 but are not limited to the grounds for disciplin-
7 ary actions against a Principal approved for
8 suitability as set forth in Section 6.

- 9 5-4-6: (A) A Licensee may be subject to disciplinary
10 action as set forth in LVC 5-1-19. A Principal
11 approved for suitability may be subject to
12 disciplinary action by the Board for good
13 cause, which may include, but is not limited to:
14 (1) The application is incomplete or contains
15 false, misleading or fraudulent statements
16 with respect to any information required
17 in the application:
18 (2) The Principal fails to satisfy any qualifica-
19 tion or requirement imposed by this Code,
20 or other local, state or federal law or
21 regulation pertaining to the particular
22 approval for suitability sought or held;
23 (3) The Principal illegally resides in the United
24 States;
25 (4) The Principal is or has engaged in a business,
26 trade or profession without a valid license,
27 permit, approval for suitability or work
28 card when he knew that one was required or
29 under such circumstances that he reasonably
30 should have known one was required;
31 (5) The Principal has been subject, in any
32 jurisdiction to disciplinary action of any

1 kind against a license, permit, approval for
2 suitability or work card to the extent that
3 such disciplinary action reflects on the
4 qualification, acceptability or fitness to
5 be approved for suitability;

6 (6) The Principal has committed acts which would
7 constitute a crime involving moral turpitude;
8 or involving any federal, state or local law
9 or regulation relating to the same or a
10 similar business;

11 (7) When substantial information exists which
12 tends to show that the Principal is dishonest
13 or corrupt;

14 (8) The Principal lacks sufficient financial,
15 technical or educational ability or exper-
16 ience to conduct or perform the activity for
17 which approval for suitability is sought;

18 (9) The Principal violates any condition upon
19 which approval for suitability was granted;

20 (10) The Principal has engaged in deceptive
21 practices upon the public;

22 (11) The Principal suffers from a legal disability
23 under the laws of the State of Nevada.

24 (B) Upon a showing of good cause and in the discretion
25 of the Board, disciplinary action against a Principal
26 approved for suitability may take the form of can-
27 cellation, revocation, suspension, imposition of
28 conditions or restrictions, or civil fines (or any
29 combination thereof) as the particular situation
30 may require. The Board may also impose against the
31 Principal the actual cost incurred, and a reason-
32 able amount for attorneys fees, resulting from the

1 imposition of disciplinary action. The disci-
2 plinary actions available in this Section shall be
3 in addition to, and not exclusive of, any other
4 civil or criminal remedy which otherwise might be
5 available.

6 5-4-7: (A) Prior approval must be obtained from the Board for
7 a licensee or a holder of approval for suitability
8 to do any of the following acts:

- 9 (1) Convey the license from one person to another;
10 (2) Change the location of a license from one
11 premises to another premises;
12 (3) Change the name of the business operating
13 under a license; or
14 (4) Transfer any ownership interest or voting
15 control to a person who, because of the
16 transfer, would be required to be approved
17 for suitability.

18 (B) The Board may deny approval of any act for which
19 approval is required by this Chapter for good
20 cause, which includes those causes set forth in
21 LVC 5-1-19.

22 5-4-8: (A) Any person who has ownership interest in or voting
23 control of the licensee equal to or greater than
24 ten percent of the entire ownership or voting
25 control of a licensee must notify the Department
26 within ten days of subjecting such ownership
27 interest or voting control to any security in-
28 terest or other incumbrance.

29 (B) Each licensee must notify the Department prior to
30 transferring or recognizing the transfer of any
31 ownership interest or voting control which results
32 in a person acquiring an ownership interest or

1 voting control equal to or greater than ten
2 percent of the entire ownership in or voting
3 control of the licensee or prior to subjecting
4 any of its assets, income or revenue to any
5 security interest or other encumbrance.

- 6 5-4-9: (A) Any person whose license or approval for
7 suitability has been denied, cancelled or
8 revoked may not apply for a license or approval
9 for suitability until one year following the
10 effective date of such action.
- 11 (B) A person may not act in a capacity where an
12 approval of suitability is required unless he
13 has been approved for suitability.
- 14 (C) A person who has been approved for suitability
15 under a license in connection with a particular
16 job position may exercise only those functions
17 reasonably associated with the particular job
18 position for which he was approved.
- 19 (D) A Licensee may not employ, allow, permit or
20 suffer to permit a person to exercise any
21 office, authority, control or privilege or
22 perform any act, for the exercise or performance
23 of which a person is required to be approved
24 for suitability, unless such person has been
25 so approved for suitability.

26 5-4-10: The Board may grant preliminary approval of an
27 application for a license when such approval is
28 requested by an applicant for any good and sufficient
29 reason. The Board may impose requirements on any
30 such preliminary approval, and the Department
31 shall issue the license only after all require-
32 ments are satisfied. All such requirements must

1 be satisfied and the license issued within six
2 months after the date of the preliminary approval
3 unless the Board specifies a shorter or longer
4 period in its preliminary approval.

5 5-4-11: (A) Each applicant shall pay to the Department,
6 at the time of filing an application for a
7 license, or an approval for suitability the
8 following non-refundable investigation fees:
9 (1) For a license \$200.00
10 (2) For an approval of suitability \$150.00

11 5-4-12: (A) The Director may issue an emergency order
12 which suspends or conditions a license or
13 approval of suitability if the Director
14 believes that:
15 (1) There has been a violation of the provisions
16 of this Code; and
17 (2) Such order is necessary for the immediate
18 preservation of the public peace, health,
19 safety, morals, good order or general
20 welfare within the City.

21 (B) Any such emergency order shall set forth the
22 grounds upon which it is issued, including a
23 statement of facts constituting the emergency
24 which necessitates such order and shall be
25 effective immediately upon the issuance and
26 service thereof on the person affected or
27 upon the posting thereof upon the licensed
28 premises.

29 (C) The person who is affected by such emergency
30 order may appeal the same to the Board by
31 filing a notice of appeal with the City
32 Clerk, and such person shall be entitled to a

1 hearing within 10 days after the filing of such
2 notice of appeal. An appeal must be filed within
3 10 days after the effective date of such emergency
4 order, or the right to appeal is deemed waived.

5 (D) The provisions of this Section may only be used in
6 conjunction with the commencement of disciplinary
7 action against the person affected by such emer-
8 gency order pursuant to this Chapter.

9 SECTION 2: Whenever in this ordinance any act is pro-
10 hibited or is made or declared to be unlawful or an offense or a
11 misdemeanor, or whenever in this ordinance the doing of any act
12 is required or the failure to do any act is made or declared to
13 be unlawful or an offense or a misdemeanor, the doing of any such
14 prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be
16 punished by a fine of not more than \$1,000.00 or by imprisonment
17 for a term of not more than six months, or by any combination of
18 such fine and imprisonment. Any day of any violation of this
19 ordinance shall constitute a separate offense.

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

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PASSED, ADOPTED and APPROVED this 16th day of
September, 1981.

APPROVED:

By William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

Carol Ann Hawley
Carol Ann Hawley, City Clerk

1 The above and foregoing ordinance was first proposed and read
2 by title to the Board of Commissioners on the 2nd day of
3 September, 1981, and referred to the following committee composed
4 of Commissioners Lurie and Levy
5 for recommendation; thereafter the said committee reported favorably on
6 said ordinance on the 16th day of September, 1981, which was a
7 Regular meeting of said Board; that at said Regular meeting,
8 the proposed ordinance was read by title to the Board of Commissioners as
9 amended and adopted by the following vote:

10 VOTING "AYE" Commissioners: Christensen, Lurie, Woofter and Mayor Briare

11 VOTING "NAY" Commissioners: None

12 ABSENT: Commissioner Levy

13 APPROVED:

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16 By William H. Briare
WILLIAM H. BRIARE, MAYOR

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18 ATTEST:

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20 Carol Ann Hawley
21 Carol Ann Hawley, City Clerk
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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

REX TAYLOR

, 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

from Sept 9 to Sept 9

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

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

Signed

Rex Taylor

Subscribed and sworn to before me this 9th
day of September, 1981

Ruth V. Deskin

Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires



BILL NO. 81-54
AN ORDINANCE RELATING
TO BUSINESSES; PROVIDING
FOR UNIFORM REGULATION
ON ALL BUSINESSES DE-
TERMINED BY THE BOARD TO
BE "PRIVILEGED"; REQUIR-
ING AN APPROVAL OF
SUITABILITY TO PRINCIPALS;
ALLOWING THE DIRECTOR
TO WAIVE SUITABILITY IN
SOME CIRCUMSTANCES;
PROVIDING DISCIPLINE AND
PENALTIES FOR VIOLATION;
PROVIDING FOR EMERGEN-
CY ORDERS BY THE DIREC-
TOR AND PROVIDING FOR
OTHER MATTERS PROPERLY
RELATING THERETO.
Sponsored by:
Commissioner Ron Lurie
Summary:
Provides uniform regulations
and application requirements
for all "privileged" businesses.
At a Commission Meeting on
9/2/81
BILL NO. 81-54 WAS READ BY
TITLE AND REFERRED TO RE-
COMMENDING COMMITTEE:
COMMISSIONERS LURIE
and LEVY
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: September 9, 1981
Las Vegas SUN

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CITY CLERK

BILL NO. 81-54
Ordinance No. 2187
AN ORDINANCE RELATING
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OTHER MATTERS PROPERLY
RELATING THERETO.

Sponsored by:
Commissioner Ron Lurie
Summary: Provides uniform re-
gulations and application re-
quirements for all "privileged"
businesses.

The above and foregoing
amended ordinance was first
proposed and read by title to
the Board of Commissioners on
the 2nd day of September,
1981, and referred to the
following committee composed
of Commissioners Lurie and
Levy, for recommendation;
thereafter the said committee
reported favorably on said
amended ordinance on the
16th day of September, 1981
which was a regular meeting of
said Board; that at said regular
meeting, the proposed or-
dinance was read by title to the
Board of Commissioners as
amended and adopted by the
following vote:

VOTING "AYE":
Commissioners: Christensen,
Lurie, Woolter,
and Mayor Briare
VOTING "NAY":
Commissioners: None

ABSENT: Commissioners Levy
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: September 19, 1981
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

REX TAYLOR

, 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 Sept. 19

to Sept. 19

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

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

Signed

Rex Taylor

Subscribed and sworn to before me this 19th
day of

SEPT. 1981

Ruthe V. Deskin

Notary Public in and for Clark County, Nevada

RUTHE V. DESKIN

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires



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CITY CLERK

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