

1 BILL NO. 81-67

2 ORDINANCE NO. 2200

3
4 AN ORDINANCE RELATING TO PROCEDURE, PROVIDING FOR THE INVESTIGA-
5 TION OF CODE VIOLATIONS; SETTING FORTH THE PROCEDURE TO SUBMIT
6 COMPLAINTS AND CONDUCT HEARINGS BEFORE THE BOARD; SETTING FORTH
7 PROVISIONS FOR THE PERSON CHARGED TO RESPOND; REPEALING ORDINANCES
8 IN CONFLICT HERewith; AND PROVIDING FOR OTHER MATTERS PROPERLY
9 RELATING THERETO.

8 Sponsored by:
9 Commissioner Ron Lurie

Summary: Revises chapter on
hearings before the board concern-
ing appeals from Department de-
cisions and license disciplinary
proceedings as a part of recodifi-
cation.

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

14 SECTION 1: Chapter 27 of Title V of the Municipal Code
15 of the City of Las Vegas, Nevada, 1960 Edition, is hereby repealed.

16 SECTION 2: Title V of the Municipal Code of the City
17 of Las Vegas, Nevada, 1960 Edition, is hereby amended to add a
18 new chapter 27 as follows:

19 5-27-1: The Director of any department of the City having
20 jurisdiction over a particular business shall cause an
21 investigation of violations of this Code or any regula-
22 tions adopted thereunder which come within the depart-
23 ment's authority and, when action is to be taken against
24 a licensee, person approved for suitability, a holder of
25 a work card, or permittee, shall conduct such investig-
26 ative hearings with respect thereto as may be necessary.

27 The Board may direct any Director of the City to
28 investigate any apparent violations of Code and reg-
29 ulations which come to its attention.

30 5-27-2: (A) If, after such investigation the Director is
31 satisfied that a violation of this Code or any
32 regulations adopted thereunder which come within

1 the department's authority has been committed, the
2 Director shall take the appropriate action that
3 may be allowed by ordinances or when provided by
4 ordinances for review by the Board, file a com-
5 plaint with the City Manager and transmit therewith
6 a summary of evidence bearing on the matter and
7 any transcript of testimony at any investigative
8 hearing conducted by or on behalf of the department.

9 (B) Upon the receipt of the complaint of a Director,
10 the City Manager shall submit the same to the City
11 Attorney who shall review the same and all matters
12 presented in support thereof, and, if satisfied
13 that probable grounds exist for disciplinary
14 action, shall draft a complaint for approval by
15 the Board. If the Board is not satisfied that
16 probable grounds exist for disciplinary action, it
17 may order the complaint withdrawn without pre-
18 judice to the filing of another complaint after
19 further investigation and reconsideration by the
20 department.

21 (C) If the Board approves the complaint, it shall
22 cause a copy of the complaint and a notice of
23 hearing to be served upon the respondent, either
24 personally or by registered or certified mail,
25 return receipt required, at his address on file
26 with the Department of Business Activity. The
27 complaint and notice of hearing shall be served on
28 the respondent at least ten (10) days prior to the
29 hearing.

30 (D) The Commission shall determine the time and place
31 of the hearing as soon as is reasonably practical
32 and in no event shall the hearing be later than

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sixty (60) days from the date of the approval of the complaint by the Board.

5-27-3: The complaint shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged. It shall specify the Code sections and regulations which the respondent is alleged to have violated, but shall not merely recite the language of the Code section or regulation. It shall require the licensee to appear and show cause why the license shall not be suspended or revoked, or other disciplinary action taken.

5-27-4: The notice of hearing shall be substantially in the following form, but may include other information:

YOU ARE HEREBY NOTIFIED that a Hearing will be held before the Board of City Commissioners at (here insert place of hearing) on the _____ day of _____, 19____, at the hour of _____ .M., upon the charges made in the Complaint served upon you. You may be present at the hearing and may be represented by counsel. You may present any relevant evidence, and you will be given full opportunity to cross-examine all witnesses testifying against you.

5-27-5: The respondent within twenty (20) days after service of the complaint except not later than five (5) days prior to the scheduled hearing must file with the City Clerk and serve a copy of the same upon the City Attorney its answer to the charges made in the complaint and set forth any defenses it intends to raise.

5-27-6: (A) The hearing need not be conducted according to

1 technical rules relating to evidence and witnesses.
2 Any relevant evidence may be admitted and the
3 parties or their counsel may by stipulation agree
4 that certain specified evidence may be admitted
5 even though such evidence might otherwise be sub-
6 ject to objection.

7 (B) The respondent shall have the right to call and
8 examine witnesses on his own behalf, cross-examine
9 opposing witnesses, introduce exhibits and evidence
10 relevant to the issues of the case, and offer
11 rebuttal evidence.

12 (C) The respondent may be called and examined by the
13 City.

14 (D) The Clerk shall have the power to issue subpoenas
15 for witnesses to appear to give testimony.

16 5-27-7: Failure to timely file his answer or failure of a re-
17 spondent or his counsel to appear at the hearing shall
18 constitute an admission of all matters and facts con-
19 tained in the complaint filed with respect to such re-
20 spondent. In such cases the Board may take action
21 based upon such admission or upon any other evidence,
22 including affidavits, and without any further notices
23 whatever to respondent. In such cases the Board shall
24 indicate by appropriate findings of fact and conclusions
25 of law in the record the evidence upon which its action
26 was based.

27 5-27-8: The Board may take official notice of any generally
28 accepted information or technical or scientific matter,
29 and of any other fact which may be judicially noticed
30 by the courts of this State. The parties shall be
31 informed of any information, matters or facts so
32 noticed, and shall be given a reasonable opportunity,

1 on request, to refute such information, matters or
2 facts by evidence or by written or oral presentation or
3 authorities.

4 5-27-9: After the hearing of a contested matter, the Board
5 shall render a decision on the merits which shall
6 include findings of fact and conclusions of law and the
7 penalty to be imposed, if any, and shall thereafter
8 make and enter its order in its minutes in conformity
9 to such decision. The decision of the Board shall be
10 served on the parties personally or shall be sent to
11 them by registered or certified mail. The decision
12 shall become and remain effective upon such service
13 unless the Board shall otherwise order.

14 5-27-10: The Board may, upon motion made within ten (10) days
15 after service of a decision and order, order a re-
16 hearing before the Board upon such terms and conditions
17 as it may deem just and proper. Such motion shall not
18 be granted except upon a showing that there is new
19 evidence which is material and necessary and reasonably
20 calculated to change the decision of the Board and that
21 sufficient reason existed for failure to present such
22 evidence at the hearing of the Board. The motion shall
23 be supported by an affidavit of the moving party or his
24 counsel showing with particularity the materiality and
25 necessity of the new evidence and the reason why it was
26 not introduced at the hearing. Upon rehearing, re-
27 buttal evidence to the additional evidence shall be
28 permitted. After rehearing, the Board may modify its
29 decision and order as the additional evidence may
30 warrant.

31 SECTION 3: If any section, subsection, subdivision,
32 paragraph, sentence, clause or phrase in this Chapter or any part

1 thereof, is for any reason held to be unconstitutional or invalid
2 or ineffective by any court of competent jurisdiction, such de-
3 cision shall not affect the validity or effectiveness of the
4 remaining portions of this Chapter or any part thereof. The
5 Board of City Commissioners of the City of Las Vegas, Nevada,
6 hereby declares that it would have passed each section, subsec-
7 tion, subdivision, paragraph, sentence, clause or phrase thereof,
8 irrespective of the fact that any one or more sections, subsec-
9 tions, subdivisions, paragraphs, sentences, clauses or phrases be
10 declared unconstitutional, invalid or ineffective.

11 PASSED, ADOPTED and APPROVED this 7th day of
12 October, 1981.

13 APPROVED:

14
15 By 

16 RON LURIE, MAYOR PRO-TEM.

17 ATTEST:

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20 Carol Ann Hawley, City Clerk

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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 16th day of September, 1981, and referred to the following committee composed of Commissioners Lurie and Woofter for recommendation; thereafter the said committee reported favorably on said ordinance on the 7th day of October, 1981, 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: Christensen, Levy, Lurie, Woofter & Mayor Briare


VOTING "NAY" Commissioners: None

ABSENT: None

APPROVED:

By 
RON LURIE, MAYOR PRO-TEM

ATTEST:


Carol Ann Hawley, City Clerk

AFFIDAVIT OF PUBLICATION

BILL NO. 81-67
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Sponsored by
Commissioner Ron Lurie
Summary Revises chapter on
hearings before the board con-
cerning appeals from Depart-
ment decisions and license dis-
ciplinary proceedings as a part
of recodification.

At a Commission Meeting on
September 16, 1981
BILL NO. 81-67 WAS READ BY
TITLE AND REFERRED TO RE-
COMMENDING COMMITTEE:
COMMISSIONERS Lurie
and Woolter

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 23, 1981
Las Vegas SUN

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. 23

to Sept. 23

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 23rd
day of Sept. 1981

Ruth V. Deskin

My Commission Expires



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

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SEP 29 8 21 AM '81

CITY CLERK

AFFIDAVIT OF PUBLICATION

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as a part of recodification.

The above and foregoing ordinance
was first proposed and read by title
to the Board of Commissioners on
the 16th day of September, 1981,
and referred to the following com-
mittee composed of Commissioners
Lurie and Woolfer for recommenda-
tion; thereafter the said committee
reported favorably on said ordi-
nance on the 7th day of October,
1981, 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:

Christensen, Levy, Lurie
Woolfer and Mayor Briere

VOTING "NAY" Commissioners:

ABSENT: None

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: October 10, 1981
Las Vegas SUN

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 Oct. 10 to Oct. 10

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
day of

Oct. 1981

10th

Ruthie V. Deskin

My Commission Expires

Notary Public in and for Clark County, Nevada
RUTHIE V. DESKIN
Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985

RECEIVED

OCT 14 1 18 PM '81

CITY CLERK

08097