

BILL NO. 2002-96

ORDINANCE NO. 5517

AN ORDINANCE TO AMEND THE PRIVILEGED LICENSING REQUIREMENTS TO EXPAND THE GROUNDS FOR DENIAL OF A PRIVILEGED LICENSE; TO AMEND THE WAIVER OF SUITABILITY PROVISIONS; TO ADD TEMPORARY LICENSING PROVISIONS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director
Department of Finance and Business Services

Summary: Expands the grounds for denial of a privileged license, adds temporary licensing provisions and amends the waiver of suitability provisions.

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

SECTION 1: Title 6, Chapter 2, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.070: (A) The Director is authorized to issue a temporary business license to a business license applicant[.] if:

(1) An applicant has:

- (a) Filed a complete and accurate business license application, and
- (b) Paid all fees relating thereto; and

(2) The premises within or the location at which the applicant's business is to be conducted has been inspected and tentatively approved by the proper departments of the City for:

- (a) All appropriate zoning requirements[.] ; and
- (b) Compliance with the Uniform Fire Code.

(B) A temporary business license [entitles an applicant for a period of not more than sixty days] may be issued to an applicant for a period not to exceed six months to engage in business at the location identified in the application. During the [sixty-day] temporary business license period, an applicant shall comply with all of the requirements imposed upon the license by the Code or by agencies of the State or County, as the case may be, or ^oresulting from inspections by departments of the City.

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1 (C) The Director may in his or her discretion extend a temporary business license
2 for [two periods of sixty days each.] a period not to exceed six months.

3 (D) In the event that the Director should deny an applicant an extension of a
4 temporary license, the applicant may, pursuant to the provisions of LVMC 6.02.110, appeal the denial
5 to the City Council. It is the applicant's burden to present to the Council any and all facts and
6 mitigating circumstances in support of his or her appeal.

7 (E) The provisions of this Section authorizing the [issuance of a] Director to issue
8 a temporary business license do not apply to any business subject to the provisions of LVMC Chapter
9 6.06 of this Title or to any business which requires formal approval by the City Council unless:

10 (1) The provisions of this Section are specifically made applicable to such
11 business by other provisions of this Code;

12 (2) All principals required to be approved for suitability have submitted a
13 complete investigation packet for determination of suitability and paid all applicable investigative
14 fees;

15 (3) The Director makes a preliminary finding that all of the principals of
16 the business are suitable; and

17 (4) The City Council approves the issuance of a temporary business license.

18 SECTION 2: Title 6, Chapter 6, Section 50, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.06.050:** (A) The City Council may grant preliminary approval of an application for a license
21 when such approval is requested by an applicant for any good and sufficient reason.

22 (B) The City Council may impose requirements or conditions on any such
23 preliminary approval, including temporary licensing, and the Department [of Business Activity] shall
24 issue the license only after all requirements are satisfied.

25 (C) All such requirements must be satisfied and the license issued within six
26 months after the date of the preliminary approval unless the City Council specifies a shorter or longer
27 period in its preliminary approval.

28 SECTION 3: Title 6, Chapter 6, of the Municipal Code of the City of Las Vegas,

1 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section
2 51, to read as follows:

3 **6.06.051:** (A) The City Council may grant a temporary license pending its decision regarding
4 a license application in order to determine:

5 (1) The applicant's fitness for a license; and

6 (2) The appropriateness of the applicant's business location.

7 (B) A temporary license shall not be granted under this Section unless:

8 (1) All principals required to be approved for suitability have submitted a
9 complete investigation packet for determination of suitability and paid all applicable fees;

10 (2) The Director makes a preliminary finding that all of the principals of
11 the business are suitable; and

12 (3) The applicant has submitted a completed and accurate license
13 application and has paid all required application fees.

14 SECTION 4: Title 6, Chapter 6, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section
16 52, to read as follows:

17 **6.06.052:** (A) A temporary license may be issued initially by the City Council for a period
18 not to exceed six months.

19 (B) The City Council may grant one extension of a temporary license for a period
20 not to exceed six months.

21 (C) When granting a temporary license or extension thereof, the City Council may
22 impose any special conditions and restrictions it deems appropriate.

23 SECTION 5: Title 6, Chapter 6, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section
25 53, to read as follows:

26 **6.06.053:** During a temporary licensing period the applicant shall comply with any requirement
27 imposed by this Code, or other local, State or Federal law or regulation and any special conditions and
28 restrictions imposed by the City Council.

1 SECTION 6: Title 6, Chapter 6, of the Municipal Code of the City of Las Vegas,
2 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section
3 54, to read as follows:

4 **6.06.054:** (A) The Director shall summarily suspend an applicant's temporary license if any
5 of the reasons stated at LVMC 6.02.330 through 6.02.350 as good cause for disciplining a licensee
6 apply to an applicant or any of its principals.

7 (B) The Director may summarily suspend an applicant's temporary license if the
8 applicant or any of its principals are in violation of any requirement of this Code, or other local, State
9 or Federal laws or regulations not covered by the provisions of LVMC 6.02.330 through 6.02.350.

10 SECTION 7: Title 6, Chapter 6, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section
12 55, to read as follows:

13 **6.06.055:** (A) As soon as the open meeting notice requirements of NRS 241.034 will permit,
14 the Director shall seek City Council review of his or her decision suspending a temporary license.

15 (B) The hearing shall be conducted in accordance with the provisions of LVMC
16 6.88.090.

17 (C) Following the hearing, the City Council shall revoke or reinstate such
18 temporary license subject to any additional conditions and restrictions the City Council deems
19 appropriate.

20 SECTION 8: Title 6, Chapter 6, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, to be designated as Section
22 56, to read as follows:

23 **6.06.056:** The City Council's revocation of an applicant's temporary license for cause shall also
24 be deemed a denial of the applicant's privileged license application.

25 SECTION 9: Title 6, Chapter 6, Section 70, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.06.070:** (A) The application for approval for suitability shall be filed with the Department
28 [of Business Activity] on forms acceptable to or provided by the Department. The applicant shall

1 furnish all the information required by the Department, including but not limited to:

- 2 (1) The applicant's personal and family history;
- 3 (2) The applicant's present and past financial position and history;
- 4 (3) The applicant's criminal history and civil and administrative litigation
- 5 history;
- 6 (4) The applicant's education, training, employment, business and
- 7 professional history; and
- 8 (5) The applicant's past and proposed affiliation with the licensee.

9 (B) The Department is authorized to require disclosure of any information that

10 reasonably relates to the applicant's qualification, acceptability or fitness for an approval for

11 suitability.

12 SECTION 10: Title 6, Chapter 6, Section 90, of the Municipal Code of the City of Las

13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.06.090:** Information showing the applicant's finances, [new] net worth, or revenues which is

15 submitted as a part of the application for an approval for suitability shall be treated as confidential

16 except as follows:

- 17 (A) In the ordinary course of the administration of this Chapter[:];
- 18 (B) Pursuant to subpoena or other order of a court of competent jurisdiction; or
- 19 (C) [Release] In the course of release to a duly authorized agent of any
- 20 governmental agency acting pursuant to the agency's authority and function.

21 SECTION 11: Title 6, Chapter 6, Section 100, of the Municipal Code of the City of

22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.06.100:** Each applicant shall pay to [the Metropolitan Police Department] Metro, at the time

24 of filing an application for a license, or an approval for suitability the following nonrefundable

25 investigation fee deposits:

- 26 (A) For a license \$200.00[:];
- 27 (B) For an approval [of] for suitability \$150.00.

28 SECTION 12: Title 6, Chapter 6, Section 105, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.06.105:** (A) Every applicant shall pay the entire cost incurred by [the Metropolitan Police
3 Department] Metro to complete the investigations required by this Chapter, whether the application
4 is approved or denied. Such costs are a collectible debt due to [the Metropolitan Police Department]
5 Metro and must be paid in full before licensing or approval for suitability.

6 (B) [The Metropolitan Police Department] Metro or any other investigative unit
7 performing investigations under this Chapter shall maintain an accounting of all investigative activity
8 for which the applicant will be billed, including the date, the actual hours expended, description of
9 activity, and the name of the investigator(s) performing same. Such investigative records shall be
10 compiled as the activities are performed and shall be promptly made available to the applicant or the
11 City Council, upon written request.

12 SECTION 13: Title 6, Chapter 6, Section 110, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.06.110:** After receipt of the completed application for a license or approval of suitability, the
15 Director [of Business Activity] may refer the [matter] application to [the Metropolitan Police
16 Department] Metro for further investigation. Upon completion of the investigation, the Director shall
17 submit the application to the City Council for its actions.

18 SECTION 14: Title 6, Chapter 6, Section 120, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.06.120:** (A) The City Council may approve, deny or take such other action with respect to
21 such application as it considers appropriate. The burden of showing qualifications, acceptability or
22 fitness for a license or approval for suitability is upon the applicant.

23 (B) Grounds for denial of a license include, but are not limited to, the grounds [for
24 disciplinary action against a licensee as] set forth in [Section] LVMC 6.02.090 and the grounds for
25 disciplinary action against a licensee set forth in LVMC 6.02.330 et seq.

26 (C) Grounds for denial of an approval [of] for suitability include, but are not limited
27 to, the grounds for disciplinary actions against a principal approved for suitability as set forth in
28 [Sections] LVMC 6.06.250 and 6.06.260.

1 SECTION 15: Title 6, Chapter 6, of the Municipal Code of the City of Las Vegas,
2 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section, to be designated as Section
3 125, to read as follows:

4 **6.06.125:** (A) Once initial approval for suitability has been made by the City Council,
5 subsequent applications for approval for suitability may be referred by the Director to Metro for
6 investigation.

7 (B) Upon completion of Metro's investigation, the Director may take such action
8 as deemed appropriate, including approval, conditional approval or denial of the application for
9 approval for suitability.

10 (C) An applicant may appeal the decision of the Director in accordance with the
11 provisions of LVMC [Section] 6.02.110.

12 SECTION 16: Title 6, Chapter 6, Section 130, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.06.130:** [Not withstanding Section] Notwithstanding LVMC 6.06.050, the Director [of
15 Business Activity] in his discretion may waive a principal from the requirement of an approval for
16 suitability if in his opinion the principal is so far removed from the operation of the business that he
17 will not likely exercise significant influence over the business. Any principal who has been so waived
18 may later be required at the discretion of the Director to apply and be found suitable in order to
19 continue his association with the business.

20 SECTION 17: Title 6, Chapter 6, Section 150, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.06.150:** The Director, [of Business Activity,] in considering whether to waive a principal, may
23 require:

- 24 (A) Personal identification information;
25 (B) [A photograph;
26 (C) A completed fingerprint form of the person;
27 (D) Information as to such person's] A written request from a managing officer or
28 partner of the business setting forth sufficient information as to the principal's responsibilities and

1 authority with the licensee or proposed licensee; and

2 ~~[(E)](C)~~ A [seventy-five] fifty dollar [investigation fee] non-refundable waiver fee,
3 payable in advance, for each principal requesting a waiver.

4 SECTION 18: Title 6, Chapter 6, Section 170, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.06.170:** A person may not act in a capacity where an approval [of] for suitability is required
7 unless he or she has been approved for suitability.

8 SECTION 19: Title 6, Chapter 6, Section 200, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.06.200:** The applicant has a continuing duty and obligation to notify the Department [of
11 Business Activity] of additions, deletions, changes or modifications in the information furnished the
12 Department and this duty continues as long as a valid approval for suitability remains in effect.

13 SECTION 20: Title 6, Chapter 6, Section 220, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.06.220:** The City Council may deny approval of any act for which approval is required by this
16 Chapter for good cause, which includes those causes set forth in [Sections] LVMC 6.02.090 and
17 6.02.330 through [6.02.360.] 6.02.350.

18 SECTION 21: Title 6, Chapter 6, Section 230, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.06.230:** Any person who has ownership interest in or voting control of the licensee equal to or
21 greater than ten percent of the entire ownership or voting control of a licensee must notify the
22 Department [of Business Activity] within ten days of subjecting such ownership interest or voting
23 control to any security interest or other encumbrance.

24 SECTION 22: Title 6, Chapter 6, Section 240, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.06.240:** Each licensee must notify the Department [of Finance and Business Services] prior to
27 transferring or recognizing the transfer of any ownership interest or voting control which results in
28 a person acquiring an ownership interest or voting control equal to or greater than ten percent of the

1 entire ownership in or voting control of the licensee or prior to subjecting any of its assets, income or
2 revenue to any security interest or other encumbrance.

3 SECTION 23: Title 6, Chapter 6, Section 250, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.06.250:** (A) A licensee may be subject to disciplinary action as set forth in [Sections]
6 LVMC Sections 6.02.330 through 6.02.360.

7 (B) A principal approved for suitability may be subject to disciplinary action by the
8 City Council for good cause, which may include, but is not limited to:

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

11 (2) The principal fails to satisfy any qualification or requirement imposed
12 by this Code, or other local, State or Federal law or regulation pertaining to the particular approval
13 for suitability sought or held;

14 (3) The principal illegally resides in the United States;

15 (4) The principal is or has engaged in a business, trade or profession
16 without a valid license, permit, approval for suitability or work card when he knew that one was
17 required or under such circumstances that he reasonably should have known one was required;

18 (5) The principal has been subject, in any jurisdiction, to disciplinary action
19 of any kind against a license, permit, approval for suitability or work card to the extent that such
20 disciplinary action reflects on the qualification, acceptability or fitness to be approved for suitability;

21 (6) The principal has committed acts which would constitute a crime
22 involving moral turpitude or involving any Federal, State or local law or regulation relating to the
23 same or a similar business;

24 (7) When substantial information exists which tends to show that the
25 principal is dishonest or corrupt;

26 (8) The principal lacks sufficient financial, technical or educational ability
27 or experience to conduct or perform the activity for which approval for suitability is sought;

28 (9) The principal violates any condition upon which approval for suitability

1 was granted;

2 (10) The principal has engaged in deceptive practices upon the public; or

3 (11) The principal suffers from a legal disability under the laws of the State.

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

12 SECTION 25: Whenever in this ordinance any act is prohibited or is made or declared
13 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
14 required or the failure to do any act is made or declared to be unlawful or an offense or a
15 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
16 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
17 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

19 SECTION 26: All ordinances or parts of ordinances or sections, subsections, phrases,

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 2ND day of October, 2002.

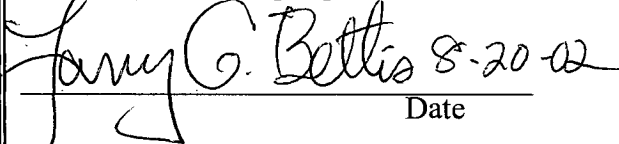
4 APPROVED:

5 By 
6 OSCAR B. GOODMAN, Mayor

7 ATTEST:

8 
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 
12 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 4th day of September, 2002, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 2nd day of October, 2002, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as first read by the following vote:

6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, M. McDonald, Brown, Weekly
and Mack

7 VOTING "NAY": None

8 EXCUSED: Councilwoman Lynette Boggs McDonald

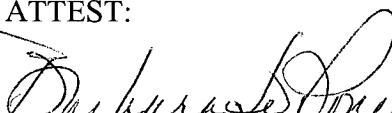
9 ABSTAINED: None

10 APPROVED:

11
12 

OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

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CITY CLERK

2002 SEP 26 A 10:14

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
2411418

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/20/2002 to 09/20/2002, on the following days: SEPT. 20, 2002

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 20

day of September 2002

Mary B. Sheffield
Notary Public

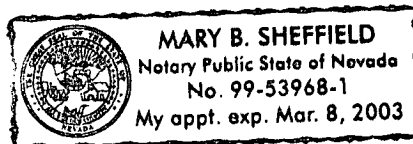
BILL NO. 2002-96

AN ORDINANCE TO AMEND THE PRIVILEGED LICENSING REQUIREMENTS TO EXPAND THE GROUNDS FOR DENIAL OF A PRIVILEGED LICENSE; TO AMEND THE WAIVER OF SUITABILITY PROVISIONS; TO ADD TEMPORARY LICENSING PROVISIONS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director, Department of Finance and Business Services
Summary: Expands the grounds for denial of a privileged license, adds temporary licensing provisions and amends the waiver of suitability provisions.

At the City Council meeting of SEPTEMBER 4, 2002 BILL NO. 2002-96 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: September 20, 2002
LV Review-Journal



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2002 OCT 10 A 11:40

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
2438491

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/05/2002 to 10/05/2002, on the following days: OCTOBER 5, 2002

BILL NO. 2002-96
ORDINANCE NO. 5517

AN ORDINANCE TO AMEND THE PRIVILEGED LICENSING REQUIREMENTS TO EXPAND THE GROUNDS FOR DENIAL OF A PRIVILEGED LICENSE; TO AMEND THE WAIVER OF SUITABILITY PROVISIONS; TO ADD TEMPORARY LICENSING PROVISIONS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director Department of Finance and Business Services

Summary: Expands the grounds for denial of a privileged license, adds temporary licensing provisions and amends the waiver of suitability provisions.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 4th day of September, 2002, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 2nd day of October, 2002, 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 first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly, and Mack
VOTING "NAY": NONE
EXCUSED: Councilwoman L.B. McDonald

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: October 5, 2002
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 7

day of October 2002

Mary B. Sheffield
Notary Public

