

FIRST AMENDMENT

BILL NO. 2016-53

ORDINANCE NO. 6547

AN ORDINANCE TO UPDATE LICENSING REGULATIONS PERTAINING TO SECONDHAND DEALERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Tom Perrigo, Director of Planning

Summary: Updates the City's licensing regulations pertaining to secondhand dealers.

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

SECTION 1: Title 6, Chapter 74, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.74.020: As used in this Chapter, unless the context otherwise requires, the following words shall have the [meaning] meanings ascribed to them as follows:

"Advertise" means the use of any newspaper, magazine or other publication, letter, sign, card or other printed matter, radio or television transmission or any other method (including by means of the internet) to bring to the attention of the public that a person is engaged in business as a secondhand dealer.

"Antique" means a unique object of personal property that is not less than sixty years old and has special value primarily because of its age.

"Collectible" means an object of personal property that has special value primarily because of its unique characteristics and the high level of demand for the object.

"General household furnishings," except as limited in this definition, means furnishings and personal effects that are typically found in a home, such as lamps, cloth items, and kitchen and bathroom items for personal use. The term does not include appliances, furniture, electronics, fine art, musical instruments, or any item of personal property that has a specific mark for identification or is otherwise individually identifiable.

"Infant/child items" means furnishings, furniture and personal effects that are typically found in a

1 home and used by or for children under the age of ten. Such personal effects include products, bedding,
2 toys, safety items, strollers, car seats and other sundry articles.

3 "Junk" means old iron, copper, brass, lead, zinc, tin, steel and other metals, metallic cables, wires,
4 ropes, cordage, bottles, bagging, rags, rubber, paper, and all other secondhand, used or castoff articles or
5 material of any kind, but does not include scrap metal.

6 "Major home appliance" means a washing machine, clothes dryer, dishwasher, range, refrigerator
7 or freezer.

8 "Portable electronic device" means a laptop or tablet computing device, electronic reading device
9 (e-reader), cellular phone, smartphone, MP3 player, or any other similar lightweight, electronically
10 operated consumer device.

11 "Precious metals" means gold, platinum, silver and their alloys.

12 "Scrap metal" means nonferrous metals, scrap iron, stainless steel or other material or equipment
13 which consists in whole or in part of metal and which is used in construction, agricultural operations,
14 electrical power generation, transmission or distribution, cable, broadband or telecommunications
15 transmission, railroad equipment, oil well rigs or any lights maintained by the State or a local government,
16 including, without limitation, street lights, traffic-control devices, park lights or ballpark lights. The term
17 also includes catalytic converters, but does not include waste generated by a household, aluminum
18 beverage containers, used construction scrap iron or materials consisting of a metal product in its original
19 manufactured form which contains not more than 20 percent by weight nonferrous metal.

20 "Secondhand dealer" means any person engaged in whole or in part in the business of buying,
21 selling (including by consignment), or trading metal junk, melted metal or secondhand personal property,
22 other than antiques, used books, coins and collectibles.

23 "Specified liquid waste" means non-hazardous organic liquid waste from agricultural or
24 commercial restaurant operations, such as cooking oil. The term does not include sewage, wastewater or
25 any waste from industrial or residential sources.

26 "Sporting equipment" means goods or equipment used for sport or exercise, but excluding

1 firearms.

2 "Wearing apparel" means any garment, article of clothing, covering or related accessory, other than
3 a fur product, that is designed and customarily used to cover or protect any part of the body.

4 SECTION 2: Title 6, Chapter 74, Section 40, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.74.040:** This Chapter does not apply to:

7 (A) Dealers of used vehicles as to those activities for which a license issued by the
8 State Department of Motor Vehicles is required pursuant to NRS 482.322;

9 (B) The buying, selling or trading by a licensed business of used portable electronic
10 devices or major home appliances, [which were acquired as a trade-in or a credit upon the purchase of a
11 new] but only to the extent acquired by the business as a trade-in or credit upon a buyer's purchase of a
12 new portable electronic device or major home appliance on a one for one basis;

13 (C) The taking in pawn or the selling of unredeemed personal property by a licensed
14 pawnbroker pursuant to Chapter 6.60;

15 (D) The buying, selling or trading of used newspapers and periodicals;

16 (E) A person who engages in the business of buying or selling secondhand firearms or
17 any antique parts, accessories or other equipment relating to those firearms to the extent that the person:

18 (1) Engages in that business at a show that:

19 (a) Is held at:

20 (I) A convention facility which is owned or operated by and
21 located on the premises of a resort hotel; or

22 (II) A recreational facility which is owned or operated by a
23 county fair and recreation board; and

24 (b) Is conducted for not more than seven days during any six-month
25 period; and

26 (2) The person has been issued a license as a manufacturer, importer, dealer or

1 collector pursuant to the provisions of 18 U.S.C. §§ 923[.];

2 (F) The buying, selling or trading by a licensed retail business of used video games,
3 videotapes, cassettes, digital video discs, compact discs or sound recordings which have been purchased (or
4 received as trade ins) from its retail customers, provided that credit only has been given as consideration for
5 the purchases or trade ins, which credit then can only be used by its retail customers for the rental or
6 purchase of new or used items referenced in this Subsection at any of its licensed business premises;

7 (G) A convention or trade show not exceeding fourteen days in length, provided that
8 convention or trade show exhibitors do not purchase secondhand or used personal property at the
9 convention or trade show; or

10 (H) The buying, selling or trading of wearing apparel, general household furnishings,
11 infant/child items, sporting equipment, musical instruments, or specified liquid waste,

12 SECTION 3: Title 6, Chapter 74, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 200,
14 reading as follows:

15 **6.74.200:** Nothing in this Chapter is intended or shall be deemed to supersede or conflict with
16 Federal law regarding electronic communication services.

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

24 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared to
25 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
26 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of

1 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
2 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
3 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
4 of this ordinance shall constitute a separate offense.

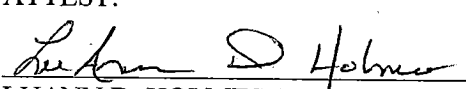
5 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
7 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this 17th day of August, 2016.

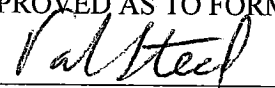
9 APPROVED:

10 By 
11 CAROLYN G. GOODMAN, Mayor

12 ATTEST:

13 
14 LUANN D. HOLMES, MMC
City Clerk

15 APPROVED AS TO FORM:

16  8-2-16
17 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of June, 2016, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 17th day of August, 2016,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Goodman, Councilmembers Barlow, Tarkanian, Ross,
Anthony, Coffin and Beers

8 VOTING "NAY": None

9 EXCUSED: None

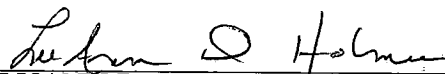
10 ABSTAINED: None

11 DID NOT VOTE: None

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2016 AUG -8 A 11:35

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000848646

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/04/2016 to 08/04/2016, on the following days:

08 / 04 / 16

FIRST AMENDMENT
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AN ORDINANCE TO UPDATE
LICENSING REGULATIONS
PERTAINING TO SECONDHAND
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OTHER RELATED MATTERS.

Proposed by: Tom Perrigo,
Director of Planning
Summary: Updates the City's
licensing regulations pertaining
to secondhand dealers.
At the City Council meeting of
July 20, 2016

BILL NO. 2016-53 WAS READ BY
TITLE AND REFERRED TO A
RECOMMENDING COMMITTEE

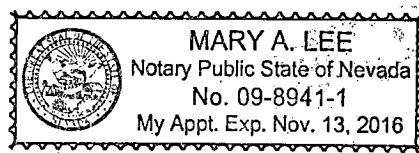
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA
PUB: August 4, 2016
--LV Review-Journal

is Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 4th day of August, 2016

Notary

Mary Lee



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2016 AUG 24 A 11:34

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000854388

Eileen Gallagher, 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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/20/2016 to 08/20/2016, on the following days:

08 / 20 / 16

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on said ordinance on the 17th
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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 adopted by the following
vote:

VOTING "AYE": Mayor Goodman
and Councilmembers Ross,
Tarkanian, Barlow, Anthony,
Coffin, and Beers
VOTING "NAY": NONE
EXCUSED: NONE

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ORDINANCE ARE AVAILABLE FOR
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FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA.
PUB: August 20, 2016
LV Review-Journal

IS/ Eileen Gallagher
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of August, 2016

Notary Mary Lee

