

BILL NO. 2017-29

ORDINANCE NO. 6594

AN ORDINANCE RELATING TO BUSINESS LICENSING; REVISING THE GROUNDS UPON WHICH A BUSINESS LICENSE MAY BE DENIED OR SUBJECTED TO DISCIPLINARY ACTION; PROHIBITING A LICENSEE FROM VIOLATING OR PERMITTING THE VIOLATION OF A LICENSE CONDITION; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends the City's business licensing regulations to revise the grounds upon which a business license may be denied or subjected to disciplinary action, and to prohibit a licensee from violating or permitting the violation of a license condition.

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) The 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 as requested and the proper departments of the City have been consulted relative to:

(a) All applicable zoning requirements and public nuisance and chronic nuisance prohibitions;

(b) Compliance with all requirements of Title 16; and

(c) Compliance with the health and safety requirements of concurrent governmental regulatory agencies.

1 (B) A temporary business license may be issued to an applicant to engage in the
2 specific business activity described in the application, at the location identified in the application, for a
3 period not to exceed six months or until a finalized decision has been made by the Director granting or
4 denying a business license, whichever comes first. During the temporary business license period, an
5 applicant, principal, licensee, and their employees and other persons acting on their behalf, shall comply
6 with all of the requirements or conditions imposed upon the license by this Code or by agencies of the State
7 or County, as the case may be, or resulting from inspections by departments of the City. A temporary
8 business license:

9 (1) Shall be conditioned upon the obligation of the applicant, the licensee, any
10 principal, and their employees and those acting on their behalf, to refrain from exercising deliberate
11 ignorance toward any private nuisance, public nuisance or chronic nuisance activity occurring at the
12 business location and to timely abate such nuisances. Deliberate ignorance is exhibited by intentional or
13 criminally negligent disregard of the offending condition or activity. Deliberate ignorance is done in a
14 criminally negligent manner if it jeopardizes another's health, safety or welfare; interferes with the
15 objectively reasonable use and enjoyment of adjacent property or any public property; or has a detrimental
16 effect upon adjacent property values; and

17 (2) May also be conditioned upon the licensee posting a bond in an amount
18 determined by the Director to be reasonably appropriate to guarantee the performance or fulfillment of all
19 conditions, or compliance with all restrictions, imposed upon the license, licensee, applicant or its
20 principal(s).

21 (C) The Director may in his or her discretion extend a temporary business license for a
22 period not to exceed six months or until a finalized decision has been made by the Director granting or
23 denying a business license, whichever comes first. During any period in which a temporary license is in
24 effect or extended, the Director may suspend or revoke a temporary business license if it is discovered that
25 there is reasonable cause to believe that one or more grounds [for refusal as] identified in Section 6.02.090
26 exists, or that the applicant, the licensee, a principal, or their employees or those acting on their behalf,

1 exercised deliberate ignorance toward or failed to timely abate any private nuisance, public nuisance or
2 chronic nuisance activity occurring at the business location.

3 (D) Unless the provisions of Section 6.02.367 apply, in the event that the Director
4 denies an applicant, licensee or proposed licensee a temporary license or an extension of a temporary
5 license, or suspends or revokes a temporary license, the applicant, licensee or proposed licensee may appeal
6 the Director's decision to the City Manager by filing a notice of appeal and a statement of the just cause
7 therefor. Such notice and statement of just cause must be received by the City Manager by five p.m. on the
8 tenth day following service of notice of the Director's decision upon the applicant, licensee, its principal or
9 resident agent at the address(es) listed on the license application. Unless the City Manager finds good cause
10 for a delay of up to ten additional days, the City Manager shall hear the appeal and render a decision within
11 ten days of the date the appeal is received by the City Manager. It is the appellant's burden to present to the
12 City Manager any and all facts and mitigating circumstances in support of the appeal. Nothing in this
13 Subsection shall be construed to limit any statutory right of the applicant, licensee or proposed licensee to
14 file an ordinary or emergency petition for extraordinary writ under NRS Chapter 34, where appeal under
15 this Section is an inadequate remedy at law. Where the Director is alleged to have engaged in intentional
16 censorship of expressive conduct or material rather than attempting to address or avoid criminal conduct or
17 other conduct harmful to the public health, safety, welfare, morals and peace, prompt judicial review is
18 warranted under *City of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774, 124 S.Ct. 2219, 159
19 L.Ed.2d 84 (2004).

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

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

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

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

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

4 SECTION 2: Title 6, Chapter 2, Section 90, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.02.090:** (A) Other than an application for a license which requires prior approval by an agency
7 of the State, an application for a license which requires formal approval of the Council to which the
8 exemptions in LVMC 6.02.070(E)(1) - (4) do not apply, or a license that is subject to the provisions of
9 LVMC Chapter 6.06, the Director, not more than thirty calendar days after receipt of an application for a
10 license, shall approve with or without conditions, deny or take such other action with respect to such
11 application as the Director considers appropriate. The Director may consult with other City departments
12 and agencies with jurisdiction in order to determine what action is appropriate. In the event that any other
13 department or agency that the Director consults regarding an application is unable to complete its review
14 thereof in time for the Director to comply with such thirty-calendar-day requirement, the Director shall
15 issue a temporary license as provided in LVMC 6.02.070. The Director may:

16 (1) Deny an applicant a license if:

17 (a) The application is incomplete or the application or supplemental
18 application information furnished pursuant to the written request of the Director contains false, misleading
19 or fraudulent statements with respect to any information that is required in the application;

20 (b) The applicant, prospective licensee or any of its principals fails to
21 satisfy any qualification or requirement that is imposed by this Code, or other local, State or Federal law or
22 regulation that pertains to the particular license or approval for suitability which is sought;

23 (c) The applicant, prospective licensee or any of its principals resides
24 in the United States illegally;

25 (d) The applicant, prospective licensee or any of its principals is
26 engaged in a business, trade or profession without having obtained a valid license, an approval for

1 suitability, a permit or a work card when such applicant or any of its principals knew that one was required
2 or under such circumstances that they reasonably should have known one was required;

3 (e) The applicant, prospective licensee or any of its principals has
4 been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an approval for
5 suitability, a permit or a work card to the extent that such disciplinary action reflects upon the qualification,
6 acceptability or fitness of the applicant, prospective licensee or any of its principals;

7 (f) The applicant, prospective licensee or any of its principals has
8 [been convicted of] committed an act that constitutes a crime which involves moral turpitude or involves
9 any local, State or Federal law or regulation which relates to the same or a similar business, or has been
10 convicted of having solicited, encouraged, caused or procured another to commit such a violation. For
11 purposes of this Paragraph, a crime involving moral turpitude is one that necessarily involves any of the
12 following: an intent to defraud; intentional dishonesty for personal gain; intentional causing of serious
13 injury to another person; the sale of narcotics or possession of narcotics with intent to sell; or a sexual
14 offense as described in NRS 179D.097;

15 (g) The applicant, prospective licensee or any of its principals has
16 [been convicted of having] perpetrated, or solicited, encouraged, caused or procured another to perpetrate, a
17 deceptive [practices] practice upon the public;

18 (h) The applicant, prospective licensee or any of its principals suffers
19 from a legal disability under the laws of the State;

20 (i) The premises on which the business is proposed to be conducted,
21 or the business activity proposed to be conducted, do not satisfy local, State or Federal laws or regulations
22 which pertain to the premises or to the activity that is proposed to be engaged in;

23 (j) The proposed business activity constitutes, promotes, fosters, aids
24 or otherwise enables a private nuisance, public nuisance or chronic nuisance; [or]

25 (k) Substantial information exists which tends to show that the
26 applicant, prospective licensee or any of its principals is dishonest or corrupt; or

1 [(k)] (1) The required license fees have not been paid in advance.

2 (2) Decline to renew a license if:

3 (a) The licensee or any of its principals is engaged, or has
4 commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or
5 profession without having obtained a valid license, an approval for suitability, a permit or a work card
6 when such a person knew that one was required or under such circumstances that they reasonably should
7 have known one was required, or has solicited, encouraged, caused or procured another to do so;

8 (b) The licensee, any of its principals, or their employees or those
9 acting on their behalf, have been subject, in any jurisdiction, to disciplinary action of any kind with respect
10 to a license, an approval for suitability, a permit or a work card to the extent that such disciplinary action
11 reflects upon the qualification, acceptability or fitness of such licensee or any principal;

12 (c) The licensee, any of its principals, or their employees or those
13 acting on their behalf, have [been convicted of] committed an act that constitutes a crime which involves
14 moral turpitude or involves any local, State or Federal law or regulation which relates to the same or a
15 similar business, or have been convicted of having solicited, encouraged, caused or procured another to
16 commit such a violation;

17 (d) The licensee, any of its principals, or their employees or those
18 acting on their behalf, [violate] have violated a condition which is imposed upon the license;

19 (e) The licensee, any of its principals, or their employees or those
20 acting on their behalf, have [been convicted of having] perpetrated a deceptive [practices] practice upon the
21 public;

22 (f) The licensee or any of its principals suffers from a legal disability
23 under the laws of the State;

24 (g) The premises on which the business is conducted do not satisfy
25 local, state or federal laws or regulations which pertain to the activity which is actually engaged in,

26 (h) The business activity constitutes, promotes, causes, allows, fosters,

aids, or otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner, including but not limited to causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or failing to abate a private nuisance, public nuisance or chronic nuisance; [or]

(i) Substantial information exists which tends to show that the licensee or any of its principals is dishonest or corrupt; or

~~[(i)]~~ (j) The required license fees for the next license period have not been paid in advance.

(B) In order to decline renewal of a license pursuant to Paragraph (2) of Subsection (A) of this Section, the Director must first:

(1) Obtain the written approval of the City Attorney's Office; and

(2) Mail or deliver to the licensee, at least twenty-one days before the licensing period expires, written notice of the nonrenewal, including a generalized statement of the reasons therefor. A failure by the City Attorney's Office to respond within three business days to a request for approval under this Subsection shall be deemed an approval thereunder.

(C) The Director shall base a decision to deny, revoke, suspend or fail to renew any license sought or obtained under this Chapter upon the objective criteria set forth in Subsection (A) and not upon a desire or need to suppress or censor expressive material, or to address conduct that does not constitute or aid and abet criminal conduct or activity or other conduct harmful to the public health, safety, welfare, morals and peace.

SECTION 3: Title 6, Chapter 2, Section 330, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.330: A licensee may be subject to disciplinary action by the City Council for good cause, which may, without limitation, the following:

(A) The licensee or any of its principals is engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or profession without having

1 obtained a valid license, an approval for suitability, a permit or a work card when such person knew that
2 one was required or under such circumstances that such person reasonably should have known one was
3 required, or has solicited, encouraged, caused or procured another to do so;

4 (B) The licensee or any of its principals has been subject, in any jurisdiction, to
5 disciplinary action of any kind with respect to a license, an approval for suitability, a permit or a work card
6 to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of such
7 licensee or principal;

8 (C) The licensee or any of its principals has [been convicted of] committed an act that
9 constitutes a crime which involves moral turpitude or involves any local, state or federal law or regulation
10 which relates to the same or a similar business, or has been convicted of having solicited, encouraged,
11 caused or procured another to commit such a violation. For purposes of this Subsection, a crime involving
12 moral turpitude is one that necessarily involves any of the following: an intent to defraud; intentional
13 dishonesty for personal gain; intentional causing of serious injury to another person; the sale of narcotics or
14 possession of narcotics with intent to sell; or a sexual offense as described in NRS 179D.097;

15 (D) The licensee or any of its principals, or their employees or those acting on their
16 behalf, violate a condition which is imposed upon the license;

17 (E) The licensee or any of its principals has [been convicted of having] perpetrated, or
18 has solicited, encouraged, caused or procured another to perpetrate, a deceptive [practices] practice upon
19 the public;

20 (F) The licensee or any of its principals suffers from a legal disability under the laws
21 of the State;

22 (G) The premises on which the business is conducted do not satisfy local, state or
23 federal law or regulations which pertain to the activity which is actually engaged in;

24 (H) The business activity constitutes, promotes, causes, allows, fosters, aids, or
25 otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been or is being
26 conducted in an unlawful, illegal or impermissible manner, including but not limited to causing, allowing,

1 promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or failing to abate a private
2 nuisance, public nuisance or chronic nuisance; [or]

3 (I) Substantial information exists which tends to show that the licensee or any of its
4 principals is dishonest or corrupt; or

5 [(I)] (J) The licensee, any of its principals, their employees or those acting on their behalf
6 failed to cooperate with the Director's efforts to enforce the provisions of this Code.

7 SECTION 4: Title 6, Chapter 2, Section 370, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.02.370:** (A) It is unlawful to:

10 (1) Engage in any activity for which a license is required by this Title without
11 having obtained and maintained in force the license that pertains to that activity;

12 (2) Violate any provision of this Title in connection with the operation of a
13 business; or

14 (3) Violate any provision of State law governing the operation of a business.

15 (B) It is unlawful for a licensee to:

16 (1) Violate any condition of an business license; or

17 (2) Knowingly permit an employee of the licensee to violate any condition of
18 a business license.

19 [(B)] (C) In addition, any activity or violation described in [Subsection (A),] Subsections
20 (A) or (B), if harmful to the safety, welfare, health, or peace of [the residents and taxpayers of the City,]
21 City residents, property owners or visitors, constitutes a public nuisance.

22 SECTION 5: Title 6, Chapter 50, Section 530, of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

24 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

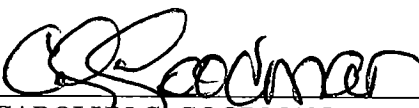
effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

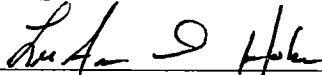
SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 16th day of August, 2017.

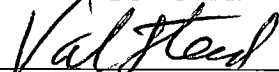
APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

 7-10-17
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 19th day of July, 2017, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 16th day of August, 2017,
4 which as a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as first introduced and adopted by the
6 following vote:

7 VOTING "AYE": Mayor Goodman, and Councilmembers Tarkanian, Anthony,
8 Coffin, Seroka and Fiore

9 VOTING "NAY": None

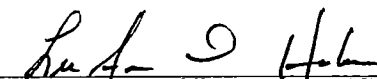
10 EXCUSED: Barlow

11 ABSTAINED: None

12
13 APPROVED:

14 
15 CAROLYN Q. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN B. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS.

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000928597

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CITY CLERK

2017 AUG 10 P 4:16

Leslie McCormick, 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 08/03/2017 to 08/03/2017, on the following days:

08 / 03 / 17

BILL NO. 2017-29

AN ORDINANCE RELATING TO BUSINESS LICENSING; REVISING THE GROUNDS UPON WHICH A BUSINESS LICENSE MAY BE DENIED OR SUBJECTED TO DISCIPLINARY ACTION; PROHIBITING A LICENSEE FROM VIOLATING OR PERMITTING THE VIOLATION OF A LICENSE CONDITION; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney.

Summary: Amends the City's business licensing regulations to revise the grounds upon which a business license may be denied or subjected to disciplinary action, and to prohibit a licensee from violating or permitting the violation of a license condition.

At the City Council meeting of July 19, 2017

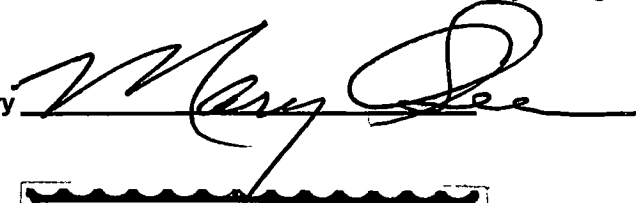
BILL NO. 2017-29 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

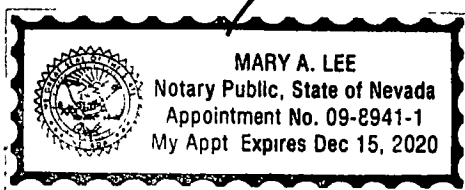
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: August 3, 2017
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of August, 2017

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

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2017 AUG 24 A 11: 39

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000931878

Leslie McCormick, 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 08/19/2017 to 08/19/2017, on the following days:

08 / 19 / 17

**BILL NO. 2017-29
ORDINANCE NO. 6594**

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Proposed by: Bradford R. Jerbic, City Attorney
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of July, 2017, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of August, 2017, 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 introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Anthony, Coffin, Seroka and Fiore

VOTING "NAY": NONE
EXCUSED: Councilman Barlow

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 19, 2017
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of August, 2017

Notary 

