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BILL NO. 2019-50

ORDINANCE NO. 6723

AN ORDINANCE AMENDING LVMC CHAPTER 6.60 TO UPDATE THE PROCESS AND STANDARDS FOR MAKING AVAILABLE ADDITIONAL PAWNBROKER LICENSES BASED ON POPULATION INCREASE, INCLUDING THE AUTHORIZATION TO CONDUCT AUCTIONS RELATED TO THE AVAILABILITY OF NEW LICENSES, AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Scott D. Adams, City Manager

Summary: Amends LVMC Chapter 6.60 to update the process and standards for making available additional pawnbroker licenses based on population increase, including the authorization to conduct auctions related to the availability of new licenses.

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

SECTION 1: Title 6. Chapter 60, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.60.040: (A) Each person required to be licensed as a pawnbroker by this Chapter shall pay in advance a semiannual license fee of five hundred dollars.

(B) Each person required to be licensed as an auto-pawnbroker by this Chapter shall pay in advance a semiannual license fee of two hundred fifty dollars. This fee is in addition to that fee imposed by Subsection (A) for a pawnbroker license.

(C) In connection with the granting of each new pawnbroker license pursuant to this Chapter, there shall be a one-time origination charge payable:

(1) In an amount and in the manner set forth in LVMC 6.60.060; or

(2) As otherwise established by formal action of the City Council.

(D) The transfer of a license pursuant to this Chapter is exempt from the origination charge.

SECTION 2: Title 6. Chapter 60, Sections 50 and 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

8 ✓

1 SECTION 3: Title 6. Chapter 60, of the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, is hereby amended by adding thereto three new sections, designated as Sections 50, 60 and 65,
3 reading respectively as follows:

4 **6.60.050:** (A) As of September 1, 2019, and, additionally, as of the effective date of the ordinance
5 codified in part in this Section, there are twenty-four pawnbroker licenses within the City, that number being
6 based on the language and implementation of a predecessor to this Section in relation to intervening
7 population increases within the City. For purposes of this Section, the City Council:

8 (1) Determines that, as of July 1, 2018, the population of the City is 652,918.

9 (2) Determines and declares that, as of the effective date of the ordinance
10 codified in part in this Section, one new pawnbroker license is available, for a total number of twenty-five
11 licenses.

12 (B) Following the issuance of the twenty-fifth pawnbroker license pursuant to
13 Subsection (A), no additional new pawnbroker license may be granted under the provisions of this Chapter
14 until the population of the City achieves or exceeds 700,000. Thereafter, only one new pawnbroker license
15 may be granted for each population increase of 50,000 persons, as certified by the Governor. The granting of
16 additional licenses is discretionary with the City Council.

17 (C) The procedure for making available any new or additional license under this Section
18 shall be as set forth in LVMC 6.60.060.

19 **6.60.060:** (A) With respect to the issuance of a new pawnbroker license pursuant to this Chapter,
20 the Director may initiate an auction procedure in accordance with terms and conditions established by the
21 Director. The procedure may include a live auction or an auction pursuant to sealed bids, and the Director
22 may select a licensed auction firm to conduct the auction.

23 (B) The terms and conditions to be established by the Director for the auction may
24 include without limitation:

25 (1) The requirement to register with proof of identity;

26 (2) A nominal opening bid of sixty thousand dollars;

1 (3) Payment of a percentage-based deposit upon the close of auction;

2 (4) Proof of funding to be used to pay the required deposit, including
3 appropriate limitations on the means of payment, such as requiring cash or a certified check or bank check

4 (5) Payment of the full amount of the winning bid within seventy-two hours
5 after the close of auction.

6 (6) Voiding of the winning bid if not paid within the seventy-two hour period,
7 with the second-highest bid automatically becoming the new winning bid and the bidder responsible for the
8 new winning bid receiving notice thereof;

9 (7) That, if the bidder responsible for the new winning bid fails to pay the full
10 bid amount within seventy-two hours following notice of the need to do so, termination of the auction with
11 no right to a license resulting therefrom, and the ability to start with a new auction process.

12 (C) In connection with an application for a business license pursuant to Section 6.60.065,
13 the winning bidder, whether an individual or an entity, must have an ownership interest of at least ten percent
14 when the license is applied for.

15 (D) Except as otherwise provided in this Subsection (D), no changes may be made in the
16 ownership of the person or entity applying for the business license during the licensing process. During the
17 licensing process, owners other than the winning bidder may be removed, but in no event may the winning
18 bidder's ownership interest decrease below ten percent.

19 **6.60.065:** (A) Within one year following the completion of an auction process described in LVMC
20 6.60.060, the winning bidder must complete the following:

21 (1) Apply for a business license and fulfill all requirements of this Title that are
22 applicable to the business licensing process.

23 (2) Complete favorably all suitability determinations made applicable by and in
24 accordance with LVMC Chapter 6.06.

25 (3) Comply with all land use and development requirements applicable to the
26 location proposed for the license, including obtaining any and all necessary land use approvals.

1 (4) Obtain final licensing approval from the City Council.

2 (B) Notwithstanding the requirements of Subsection (A), the City Council may grant an
3 extension of time for good cause shown.

4 (C) The payment in full of the winning bid amount pursuant to the terms and conditions
5 of an auction conducted pursuant to LVMC 6.60.060 shall be deemed to function as the origination charge
6 referred to in LVMC 6.60.040(C).

7 (D) If a winning bidder or the corresponding license applicant is denied a business
8 license or does not complete the licensing process in accordance with Subsection (A):

9 (1) The amount of the bidder's deposit on the day of the auction is forfeited;
10 and

11 (2) Except as otherwise provided in Subsection (E), that bidder and any
12 corresponding license applicant will be deemed ineligible for any future auction held under this Chapter for
13 a period of one year after the denial of a license or the failure to complete the licensing process within the
14 required time period.

15 (E) Upon the request of a bidder or a license applicant, the City Council may waive the
16 ineligibility provisions of Paragraph (2) of Subsection (D) upon a showing that the applicant has diligently
17 pursued completion of the licensing process and the failure to complete the licensing process was beyond the
18 applicant's control.

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

26 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared to

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

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

10 PASSED, ADOPTED and APPROVED this 5th day of February, 2020.


11 APPROVED:

12 By 
13 CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 
16 LUANN D. HOLMES, MMC
City Clerk

17 APPROVED AS TO FORM:

18  12-4-19
19 Val Steed, Date
Deputy City Attorney

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of December, 2019, and referred to a committee for recommendation; hereafter the committee reported favorably on said ordinance on the 5th day of February, 2020, which as a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council and adopted by the following vote:

- VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Crear, Knudsen, Seaman and Diaz
- VOTING "NAY": None
- EXCUSED: None
- ABSTAINED: None

APPROVED:


CAROLYN Q. GOODMAN, Mayor

ATTEST:


LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001087782

2020 JAN 30 A 11: 20

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 01/23/2020 to 01/23/2020, on the following days:

01 / 23 / 20

BILL NO: 2019-50

AN ORDINANCE AMENDING LVMC CHAPTER 6.60 TO UPDATE THE PROCESS AND STANDARDS FOR MAKING AVAILABLE ADDITIONAL PAWNBRDKER LICENSES BASED ON POPULATION INCREASE, INCLUDING THE AUTHDRIZATION TO CONDUCT AUCTIONS RELATED TO THE AVAILABILITY OF NEW LICENSES, AND PRVDING FOR OTHER RELATED MATTERS.

Proposed by:
Scott D. Adams, City Manager

Summary: Amends LVMC Chapter 6.60 to update the process and standards for making available additional pawnbroker licenses based on population increase, including the authorization to conduct auctions related to the availability of new licenses.

At the City Council meeting of
December 18, 2019

BILL ND. 2019-50 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 FLDOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

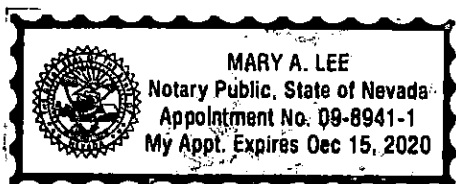
PUB: January 23, 2020
LV Review Journal

Leslie McCormick

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of January, 2020

Notary *Mary Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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2020 FEB 12 P 2:09

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001091656

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 02/08/2020 to 02/08/2020, on the following days:

02 / 08 / 20

**BILL NO. 2019-50
ORDINANCE NO. 6723**

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of December, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of February, 2020, 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 Flore, Anthony, Crear, Knudsen, Seaman and Olaz

VOTING "NAY": NONE
EXCUSED: NONE

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: Feb. 8, 2020
LV Review-Journal

[Signature]
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of February, 2020

Notary *[Signature]*

