

# City of Las Vegas

RECOMMENDING COMMITTEE MEETING  
CITY HALL, 400 STEWART AVENUE  
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.LasVegasNevada.gov>  
MONDAY, SEPTEMBER 29, 2003  
4:00 P.M.

RECOMMENDING COMMITTEE. COUNCILMAN WEEKLY AND COUNCILWOMAN MONCRIEF

CALL TO ORDER

ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 10/15/2003 CITY COUNCIL MEETING

1. Bill No 2003-75 – Includes time-share projects, hotels, motels, bed and breakfast establishments, lodging houses, apartment hotels, apartment houses, recreational vehicle parks and campground establishments within the transient lodging room rent tax provisions and licensing requirements Proposed by Mark Vincent, Director of Finance and Business Services
2. Bill No 2003-76 – Ordinance Creating Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III Sponsored by Step Requirement
3. Bill No 2003-77 – Amends child care facility and personnel licensing provisions, and increases the membership of the City Child Care Licensing Board Proposed by Mark Vincent, Director of Finance and Business Services

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8 00 A.M to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons Reasonable efforts will be made to assist and accommodate physically handicapped persons If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS.

Las Vegas Library, 833 Las Vegas Boulevard North  
Senior Citizens Center, 450 E Bonanza  
Clark County Government Center, 500 S Grand Central Parkway  
Court Clerk's Office Bulletin Board, City Hall Plaza  
City Hall Plaza, Special Outside Posting Bulletin Board

67 124





**RECOMMENDING COMMITTEE AGENDA  
RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 29, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE. COMPLIANCE WITH OPEN MEETING LAW

**MINUTES:**

PRESENT: COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: DEPUTY CITY MANAGER BETSY FRETWELL, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

(4:00)

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**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 29, 2003**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

CONSENT

DISCUSSION

**SUBJECT:**

**NEW BILL:**

**Bill No. 2003-75** – Includes time-share projects, hotels, motels, bed and breakfast establishments, lodging houses, apartment hotels, apartment houses, recreational vehicle parks and campground establishments within the transient lodging room rent tax provisions and licensing requirements. Proposed by: Mark Vincent, Director of Finance and Business Services

**Fiscal Impact**

No Impact

**Amount:**

Budget Funds Available

**Dept./Division:**

Augmentation Required

**Funding Source:**

**PURPOSE/BACKGROUND:**

In support of the City’s implementation of transient lodging room rent taxes required or permitted to be imposed by State law, this bill defines the term “transient lodging” consistently with State law and states with greater specificity those items of revenue included as part of room rent.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2003-75

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Bill 2003-75 be held in ABEYANCE to the 10/13/2003 Recommending Committee meeting. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

JIM DiFIORE, Manager, Business Services, requested this matter be held in abeyance to the following Recommending Committee meeting to allow him additional time to meet with LUKE PUSCHNIG, Legal Counsel, Las Vegas Convention and Visitors Authority, and members of the lodging industry. MR. PUSCHNIG agreed.

RECOMMENDING COMMITTEE MEETING OF SEPTEMBER 29, 2003

City Attorney

Item 1 – Bill No. 2003-75

**MINUTES – Continued:**

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:01 – 4:02)

1-5

1 **BILL NO. 2003-75**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO REPEAL AND REPLACE THE PROVISIONS REGARDING ROOM  
4 RENT TAX AND LICENSING REQUIREMENTS FOR TRANSIENT LODGING  
5 ESTABLISHMENTS, TO INCLUDE DEFINITIONS OF THE TERMS "TRANSIENT  
6 LODGING" AND "ROOM RENT," AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

6 Summary: Includes time-share projects,  
7 hotels, motels, bed and breakfast  
8 establishments, lodging houses, apartment  
9 hotels, apartment houses, recreational vehicle  
parks and campground establishments within  
the transient lodging room rent tax provisions  
and licensing requirements.

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

12 SECTION 1: Title 4, Chapter 20, of the Municipal Code of the City of Las Vegas,  
13 Nevada, 1983 Edition, is hereby repealed in its entirety.

14 SECTION 2: Title 4 of the Municipal Code of the City of Las Vegas, Nevada,  
15 1983 Edition, is hereby amended by adding thereto a new Chapter, designated as Chapter 20, to  
16 consist of the provisions set forth below as Sections 4.20.010 to 4.20.200, and the provisions of  
17 Section 3 of this Ordinance.

18 **4.20.010:** (A) The taxes imposed by Sections 4.20.030 and 4.20.110 are for the purpose  
19 of constructing and supporting convention halls and related facilities of and for the Las Vegas  
20 Convention and Visitors Authority for the benefit of the City and its residents and for the  
21 fulfillment of statutory requirements of NRS 244A.645 and any agreements of the City with the  
22 Las Vegas Convention and Visitors Authority and other government entities in Clark County,  
23 Nevada, in pursuance thereof concerning the pledge or commitment of these taxes.

24 (B) The taxes imposed by Section 4.20.040 are for the purposes of:  
25 (1) Supporting the State fund for the promotion of tourism;  
26 (2) Supporting the advertising of the resources of the City which are  
27 related to tourism, including available accommodations, transportation, entertainment, natural  
28 resources and climate, and to promote special events which are related thereto; and

1 (3) Supporting capital projects of the Clark County School District.

2 (C) The taxes imposed by Section 4.20.050 are for the purposes of providing  
3 funds for:

4 (1) Constructing, acquiring, improving, operating or maintaining urban  
5 projects, or any combination thereof, including, without limitation, recreational facilities and other  
6 projects designed to encourage tourism or to improve the aesthetic environment of the central  
7 business area located within the boundaries of the district described in Appendix A of this Chapter;

8 (2) Paying the principal and interest on notes, bonds or other obligations  
9 issued by the City to fund such projects; or

10 (3) Any combination of those uses.

11 **4.20.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall  
12 be liberally construed in order to effectuate the purposes of this Chapter. In particular, the  
13 following words shall have the meaning ascribed to them as follows:

14 “Department” means the Department of Finance and Business Services.

15 “Director” means the Director of the Department of Finance and Business Services or his  
16 or her designee.

17 “Gross receipts from the rental of transient lodging” means the gross revenue received  
18 from an occupant of a transient lodging establishment for the following:

- 19 – Charges for the room and any room transfer fee.
- 20 – Charges for use of the amenities furnished in the room or ordered from the room  
21 or at the time of check-in for use, consumption or viewing in the room, including  
22 but not limited to charges for:
- 23 – – Television services, including separate charges for pay-per-view movies;
- 24 – – Audio/visual cassettes, VCR tapes, CD’s, DVD’s, and video games, and  
25 their players and accessories;
- 26 – – Telecommunications facilities and accessories;
- 27 – – Computer or e-mail modem facilities and accessories;
- 28 – – Food and beverages stocked in the room;

- 1                   -- -- Refrigerator; and
- 2                   -- -- Cots and roll-a-way beds.
- 3           --       Charges for services provided to the room in addition to those included in the
- 4                   charges for the room, including but not limited to:
- 5                   -- -- Linens;
- 6                   -- -- Housekeeping;
- 7                   -- -- Meal service;
- 8                   -- -- Personal property safe;
- 9                   -- -- Pet accommodations;
- 10                  -- -- Plants; and
- 11                  -- -- Utilities.
- 12           --       Charges for services provided to the occupant outside the room but charged to the
- 13                   room, including but not limited to:
- 14                  -- -- Shuttle service;
- 15                  -- -- Laundry;
- 16                  -- -- Dry cleaning;
- 17                  -- -- Shoe maintenance, repair or grooming;
- 18                  -- -- Coupons for miscellaneous goods, services and entertainment;
- 19                  -- -- Personal property safe; and
- 20                  -- -- Personal fitness facilities and equipment.
- 21           --       Forfeited security and room deposits and late charges.

22 The term “gross receipts from the rental of transient lodging” does not include:

- 23           --       The room rent tax imposed or collected from occupants pursuant to this Chapter or
- 24                   the provisions of NRS 244.3352;
- 25           --       Meals or beverages charged to an occupant’s room but not purchased for
- 26                   consumption in the room; or
- 27           --       Live shows, plays, concerts and performances charged to an occupant’s room.

28 “Occupancy” means the use or possession, or the right to the use or possession of any

1 sleeping room or space or portion thereof, in transient lodging for dwelling, lodging or sleeping  
2 purposes.

3 “Occupant” means any person who, for rent, uses possesses or has the right to possess any  
4 sleeping room or space in transient lodging under any lease, concession, permit, right of access,  
5 license, contract or agreement.

6 “Operator” means the person who is the proprietor of transient lodging, whether in the  
7 capacity of owner, lessee, sublessee, mortgagee, licensee or any other capacity and who rents, holds  
8 out to rent or advertises for rent rooms to occupants on a daily basis or for periods of twenty-eight  
9 consecutive days or less. Where the operator performs his or her functions through a managing  
10 agent or any type or character other than an employee, the managing agency shall also be deemed  
11 an operator for the purposes of this Chapter and shall have the same duties and liabilities as his or  
12 her principal.

13 “Project” means the Fremont Street Experience.

14 “Room” means any space rented in transient lodging for dwelling, lodging or sleeping  
15 purposes.

16 “Room rent” means the gross receipts received by an operator from all occupants at a  
17 transient lodging establishment.

18 “Room rent tax” means the tax required to be paid pursuant to this Chapter by all occupants  
19 of transient lodging regardless of the period of time upon which the room rental is based.

20 “Transient guest” or “temporary guest” means any occupant who has or shall have the right  
21 of occupancy of any room in transient lodging on a daily basis or for periods of twenty eight-  
22 consecutive days or less.

23 “Transient lodging” means any of the following establishments which rent rooms to  
24 occupants on a daily basis or for periods of twenty-eight consecutive days or less:

- 25 – Hotels;
- 26 – Motels;
- 27 – Apartments;
- 28 – Time-share projects, except when an owner of a unit in the time-share project who

1 has a right to use or occupy the unit is occupying the unit pursuant to a time-share  
2 instrument as defined in NRS 119A.150;

- 3 – Apartment hotels;
- 4 – Vacation trailer parks;
- 5 – Campgrounds;
- 6 – Parks for recreational vehicles;
- 7 – Bed and breakfast;
- 8 – Lodging house; and
- 9 – Any other establishment that rents rooms or spaces to transient or temporary guests.

10 The term “transient lodging” does not include any:

- 11 – Hospital, sanitarium, medical clinic, convalescent home, nursing home, home for  
12 aged people, foster home or other similar facility operated for the care or treatment  
13 of human beings;
- 14 – Asylum, jail, prison, orphanage or other facility in which human beings are  
15 detained and housed under legal restraint;
- 16 – Housing owned or controlled by any educational institution and used exclusively  
17 to house students, faculty or other employees, and any fraternity or sorority house  
18 or similar facility occupied exclusively by students and employees of such  
19 educational institution, and officially recognized by it;
- 20 – Housing operated or used exclusively for religious or charitable purposes and that  
21 organization having qualifications for exemption from property taxes under the  
22 laws of the State;
- 23 – Housing owned by a governmental agency and used to house its employees or for  
24 governmental purposes; or,
- 25 – Apartment establishments renting rooms month-to-month and not to transient  
26 guests, provided rental payments are made in full, at a minimum, in monthly  
27 installments.

28 **4.20.030:** There is fixed and imposed a tax on the room rent received by transient lodging

1 establishments pursuant to the following schedule:

2 (A) Five percent of the room rent received by establishments having seventy-five  
3 or more rooms.

4 (B) Four percent of the room rent received by establishments having less than  
5 seventy-five rooms.

6 **4.20.040:** There is fixed and imposed a supplemental tax on the room rent received by  
7 transient lodging establishments in the amount of two percent of the room rent.

8 **4.20.050:** (A) A district to defray the cost of improving the central business area of the City  
9 and the Project was created in 1993 by Ordinance No. 3722 pursuant to Chapter 144, 1993 Nevada  
10 Session Laws. The boundaries of the district are set forth in Appendix A of this Chapter as Area  
11 A. The area contained within the boundaries of the district which has been determined to receive  
12 fewer benefits from the Project is described in Appendix B of this Chapter as Area B.

13 (B) There is fixed and imposed a tax on the room rent received by transient  
14 lodging establishments with seventy-five or more rooms located within Area A in the amount of  
15 two percent of the room rent.

16 (C) There is fixed and imposed a tax on the room rent received by transient  
17 lodging establishments with seventy-five or more rooms located within Area B in the amount of  
18 one percent of the room rent.

19 **4.20.060:** (A) All occupants of transient lodging establishments shall pay the room rent  
20 taxes contemplated in Sections 4.20.030, 4.20.040, and 4.20.050 for the first twenty-eight days of  
21 continuous occupancy regardless of the period upon which the room rental is based.

22 (B) After twenty-eight days continuous occupancy of a particular room in a  
23 transient lodging establishment, the occupant shall be considered a resident guest of that  
24 establishment and not subject to the payment of room rent tax.

25 **4.20.070:** For time-share projects, the room rent taxes imposed by this Chapter shall be  
26 calculated as follows:

27 (A) The applicable percentage as specified in Sections 4.20.030, 4.20.040 and  
28 4.20.050 of the room rent for the use of a time-share unit by a guest other than a time-share

1 member or exchange user.

2 (B) The applicable percentage as specified in Sections 4.20.030, 4.20.040 and  
3 4.20.050 of the base sum of fifty dollars per day for the use of a time-share unit by any time-share  
4 member, exchange patron or other participant in any time-share program. The base sum shall be  
5 adjusted by the Director annually based upon the percentage of change in the Consumer Price  
6 Index for Urban Consumers published by the United States Department of Labor. The base sum  
7 shall be made effective as of July 1, each year, and shall be based upon the percentage change in  
8 the CPI-U for the twelve-month period of the preceding calendar year.

9 **4.20.080:** The room rent taxes fixed and imposed by Sections 4.20.030, 4.20.040, and  
10 4.20.050 are in addition to those license and room rent taxes imposed by Chapter 6.46 of this Code.

11 **4.20.090:** A collection fee is allowed to operators of transient lodging establishments in an  
12 amount equal to two percent of the amount of room rent tax imposed pursuant to this Chapter  
13 provided that the same are paid to the Department on or before the fifteenth day of the month  
14 following the month in which the tax became owing.

15 **4.20.100:** (A) The room rent taxes imposed by this Chapter shall be collected by the  
16 operator of a transient lodging establishment from occupants and shall be shown separately from  
17 other charges for room rent.

18 (B) The operator is liable to the City for the room rent taxes imposed by this  
19 Chapter, notwithstanding the operator's failure to collect such taxes from occupants.

20 (C) The operator shall pay the City the room rent taxes imposed pursuant to this  
21 Chapter on or before the fifteenth day of the month following the month in which such taxes  
22 accrued and they shall be deemed to be delinquent if not paid on or before such date.

23 **4.20.110:** There are hereby fixed and imposed license taxes on gaming revenues to be paid  
24 by all gaming licensees within the City, in addition to any license taxes that may be fixed or  
25 imposed elsewhere in the Code, according to the following schedule:

26 (A) For six games or more: twelve dollars per game, per quarter.

27 (B) For less than six games: seven dollars and fifty cents per game, per quarter.

28 (C) For less than two games: three dollars per game, per quarter.

1 (In determining the number of games, craps, roulette, twenty-one, bingo, race and sports books and  
2 wire betting service, each shall be considered a full game. All other games shall be considered one-  
3 half games, each at one-half of the game charge.)

4 (D) For more than twelve slot machines within one establishment: seventy-five  
5 cents per slot machine, per quarter.

6 (E) For twelve or fewer slot machines in one establishment: twenty-five cents  
7 per slot machine, per quarter.

8 **4.20.120:** The gaming taxes imposed in Section 4.20.110 shall be paid quarterly, in advance,  
9 for the succeeding calendar quarter, such amount being due on the first day of the first month, of  
10 the calendar quarter for which such license taxes will accrue. All taxes not paid by this date shall  
11 be deemed delinquent. Such taxes shall be paid to the Department. In the event a business begins  
12 operations during a calendar quarter, the licensee of the business shall pay the entire gaming tax  
13 for such quarter and proration of the quarterly amount shall not be allowed.

14 **4.20.130:** Any licensee or operator failing to pay the taxes imposed by Sections 4.20.030,  
15 4.20.040, 4.20.050 and 4.20.110 by the due dates provided by this Chapter shall pay in addition  
16 to such tax, a penalty of ten percent of the amount thereof, plus interest on the amount of such  
17 delinquency at the rate of one and one-half percent per month, or fraction thereof, from the date  
18 when such tax became due and payable until the date of payment.

19 **4.20.140:** (A) Whenever any licensee or operator shall be delinquent in the payment of any  
20 obligation imposed by this Chapter, the Director may transmit notice of such delinquency to the  
21 City Attorney, who shall at once proceed to collect all sums due the City by appropriate legal  
22 action. In any suit brought to enforce the rights of the City hereunder a verified affidavit by the  
23 Director showing the delinquency and the amount due shall be prima facie evidence of the amount  
24 of such delinquency and of compliance by said City with all the provisions of this Chapter relating  
25 to such obligation. In such action a writ of attachment may be issued as provided by law.

26 (B) The foregoing remedies of the City shall be cumulative, and no action taken  
27 by said City nor any of its officers, shall be construed to be an election on the part of the City, or  
28 any of the officers thereof, to pursue any remedy to the exclusion of any other remedy which is

1 provided by law for the collection of delinquent taxes or of a debt.

2 **4.20.150:** The Director is charged with the enforcement of the provisions of this Chapter and  
3 may employ such accountants, auditors, investigators, assistants and clerks as he may deem  
4 necessary for the efficient administration of this Chapter.

5 **4.20.160:** The Director shall cause to be kept proper records of all room rent tax and gaming  
6 license tax fixed and imposed by this Chapter which become due, which have been paid, which  
7 have become delinquent and the interest and penalties accrued as a result. Such records shall be  
8 deemed confidential pursuant to NRS 268.095 and shall not be revealed in whole or in part to  
9 anyone except in the necessary administration of this Chapter or as otherwise provided by law.

10 **4.20.170:** It shall be unlawful for any operator required to collect the room rent tax imposed  
11 by Sections 4.20.030, 4.20.040, and 4.20.050 to fail to maintain adequate room rent records or to  
12 fail to make adequate records available, within seventy-two hours of written notice, to the Director  
13 or to any other person designated by the Director for the purpose of conducting an audit. These  
14 records must be made available within the City of Las Vegas during normal business hours.

15 "Adequate room records" for the purposes of this Section means the following:

- 16 (A) Journal;  
17 (B) Daily cash summary;  
18 (C) Registration cards;  
19 (D) Folio for the three-year period preceding the date of audit; and  
20 (E) Any other room records required to be maintained by time-share projects  
21 by State law.

22 **4.20.180:** It is unlawful for an operator or any person acting on an operator's behalf to:

23 (A) Advertise that the room rent tax fixed and imposed by Sections 4.20.030,  
24 4.20.040 and 4.20.050 will be absorbed by the transient lodging establishment.

25 (B) Fail to collect the room rent tax imposed by Sections 4.20.030, 4.20.040 and  
26 4.20.050.

27 (C) Fail to remit to the City the room rent tax imposed by Sections 4.20.030,  
28 4.20.040 and 4.20.050.

1 **4.20.190:** The Director shall within twenty days from the close of the preceding calendar  
2 month, transmit:

3 (A) The total amount received pursuant to Sections 4.20.030 and 4.20.110 to the  
4 Las Vegas Convention and Visitors Authority to be used for the purposes set forth in Subsection  
5 (A) of Section 4.20.010;

6 (B) Three-eighths of the first one percent received pursuant to Section 4.20.040  
7 to the Nevada Department of Taxation for deposit with the State Treasurer for credit to the fund  
8 for the promotion of tourism;

9 (C) Five-eighths of the first one percent received pursuant to Section 4.20.040  
10 to the Las Vegas Convention and Visitors Authority to be used for the purposes set forth in  
11 Subsection (B) of Section 4.20.010;

12 (D) The remaining proceeds received pursuant to Section 4.20.040 to the Clark  
13 County Treasurer for deposit in the Clark County treasurer for deposit in the Clark County School  
14 District's fund for capital projects; and

15 (E) The total amount received pursuant to Section 4.20.050 to the treasury of  
16 the City to be used as provided in Subsection (C) of Section 4.20.010 as directed by the City  
17 Council.

18 **4.20.200:** No room rent tax shall be imposed under the provisions of this Chapter upon:

19 (A) Room rent paid directly by the United States, the State of Nevada, or any  
20 federally chartered credit union.

21 (B) Complimentary rooms wherein there is no room rent paid to the operator in  
22 conjunction with the occupancy.

23 (C) Room rent paid for a room in transient lodging that is not used for dwelling,  
24 lodging or sleeping, such as a meeting room.

25 (D) Any revenue attributable to the operator as the result of employees of the  
26 operator occupying a room in the operator's transient lodging establishment.

27 SECTION 3: The following provisions are adopted as part of Title 4, Chapter 20,  
28 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, and shall be published at

1 the end of that chapter:

2 Appendix A – District Boundaries Within Central Business Area of City (Area “A”)

3 Those portions of the South Half (S 1/2) of Section 27 and the North Half (N 1/2)  
4 of Section 34, Township 20 South, Range 61 East, M.D.M., in the City of Las  
5 Vegas, County of Clark, State of Nevada, described as follows:

6 Block 3 of BUCKS SUBDIVISION as shown on the plat thereof on file in Book  
7 1 of Plats, Page 15 of Clark County, Nevada Records.

8 Blocks 1 through 4, 13 through 20 and 29 through 36 of CLARK’S LAS VEGAS  
9 TOWNSITE as shown on the plat thereof on file in Book 1 of Plats, Page 37 of  
10 Clark County, Nevada Records.

11 The vacated portion of CARSON AVENUE (80 feet wide) lying between Blocks  
12 13 and 14 of CLARK'S LAS VEGAS TOWNSITE as shown on the plat thereof on  
13 file in Book 1 of Plats, Page 37 of Clark County, Nevada Records.

14 Blocks 2, 3, 6 and 7 of HAWKINS ADDITION as shown on the plat thereof on file  
15 in Book 1 of Plats, Page 40 of Clark County, Nevada Records.

16 That portion of the South Half (S 1/2) of Section 27 and the North Half (N 1/2) of  
17 Section 34, Township 20 South, Range 61 East, M.D.M., in the City of Las Vegas,  
18 County of Clark, State of Nevada, bounded as follows:

19 Bounded on the North by the Southerly line of PARCEL NO. 420 G as vested in  
20 the STATE OF NEVADA by that certain FINAL ORDER OF CONDEMNATION  
21 recorded September 11, 1968 as Document No. 721652 of Clark County, Nevada  
22 Records, said Southerly line being a portion of the Southerly Right-of-Way line of  
23 the DOWNTOWN EXPRESSWAY; bounded on the South by the Northwesterly  
24 prolongation of the centerline of BRIDGER AVENUE (80 feet wide) as shown on  
25 the plat of CLARK'S LAS VEGAS TOWNSITE on file in Book 1 of Plats, Page  
26 37 of Clark County, Nevada Records; bounded on the East by the Northwesterly  
27 Right-of-Way line of MAIN STREET (width varies); and bounded on the West by  
28 the Southeasterly Right-of-Way line of the UNION PACIFIC RAILROAD MAIN  
LINE.

Appendix B – Area Within District Boundaries to One Percent  
Transient Guest Room Tax (Area “B”)

Those portions of the South Half (S1/2) of Section 27 and the North Half (N1/2) of  
Section 34, Township 20 South, Range 61 East, M.D.M., in the City of Las Vegas,  
County of Clark, State of Nevada, described as follows:

Block 3 of BUCKS SUBDIVISION as shown on the plat thereof on file in Book  
1 of Plats, Page 15 of Clark County, Nevada Records.

Blocks 1, 4, 16, 17, 20, 29, 32, 33 and 36 of CLARK'S LAS VEGAS TOWNSITE  
as shown on the plat thereof on file in Book 1 of Plats, Page 37 of Clark County,  
Nevada Records.

Blocks 2, 3, 6 and 7 of HAWKINS ADDITION as shown on the plat thereof on file  
in Book 1 of Plats, Page 40 of Clark County, Nevada Records.

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6 Records, said Southerly line being a portion of the Southerly Right-of-Way line of  
7 the DOWNTOWN EXPRESSWAY; bounded on the South by the Northwesterly  
8 prolongation of the centerline of OGDEN AVENUE (80 feet wide) as shown on the  
9 plat of CLARK'S LAS VEGAS TOWNSITE on file in Book 1 of Plats, Page 37 of  
10 Clark County, Nevada Records; bounded on the East by the Northwesterly  
11 Right-of-Way line of MAIN STREET (width varies); and bounded on the West by  
12 the Southeasterly Right-of-Way line of the UNION PACIFIC RAILROAD MAIN  
13 LINE.

14 That portion of the North Half (N1/2) of Section 34, Township 20 South, Range 61  
15 East, M.D.M., in the City of Las Vegas, County of Clark, State of Nevada, bounded  
16 as follows:

17 Bounded on the North by the Northwesterly prolongation of the centerline of  
18 CARSON AVENUE (80 feet wide) as shown on the plat of CLARK'S LAS  
19 VEGAS TOWNSITE on file in Book 1 of Plats, Page 37 of Clark County, Nevada  
20 Records; bounded on the South by the Northwesterly prolongation of the centerline  
21 of BRIDGER AVENUE (80 feet wide) as shown on said plat of CLARK'S LAS  
22 VEGAS TOWNSITE; bounded on the East by the Northwesterly Right-of-Way line  
23 of MAIN STREET (width varies); and bounded on the West by the Southeasterly  
24 Right-of-Way line of the UNION PACIFIC RAILROAD MAIN LINE.

25 SECTION 4: Title 6, Chapter 46, of the Municipal Code of the City of Las Vegas,  
26 Nevada, 1983 Edition, is hereby repealed in its entirety.

27 SECTION 5: Title 6, of the Municipal Code of the City of Las Vegas, Nevada,  
28 1983 Edition, is hereby amended by adding thereto a new Chapter, designated as Chapter 46, to  
consist of the provisions set forth below as Sections 6.46.010 to 6.46.160, inclusive.

6.46.010: Unless the context otherwise requires, the scope of all words in this Chapter shall  
be liberally construed in order to effectuate the purposes of this Chapter. In particular, the  
following words shall have the meaning ascribed to them as follows:

“Gross receipts from the rental of transient lodging” means the gross revenue received  
from an occupant of a transient lodging establishment for the following:

- Charges for the room and any room transfer fee.
- Charges for use of the amenities furnished in the room or ordered from the room  
or at the time of check-in for use, consumption or viewing in the room, including  
but not limited to charges for:

- 1           -- -- Television services, including separate charges for pay-per-view movies;
- 2           -- -- Audio/visual cassettes, VCR tapes, CD's, DVD's, and video games, and
- 3           their players and accessories;
- 4           -- -- Telecommunications facilities and accessories;
- 5           -- -- Computer or e-mail modem facilities and accessories;
- 6           -- -- Food and beverages stocked in the room;
- 7           -- -- Refrigerator; and
- 8           -- -- Cots and roll-a-way beds.
- 9           --       Charges for services provided to the room in addition to those included in the
- 10          charges for the room, including but not limited to:
- 11           -- -- Linens;
- 12           -- -- Housekeeping;
- 13           -- -- Meal service;
- 14           -- -- Personal property safe;
- 15           -- -- Pet accommodations;
- 16           -- -- Plants; and
- 17           -- -- Utilities.
- 18          --       Charges for services provided to the occupant outside the room but charged to the
- 19          room, including but not limited to:
- 20           -- -- Shuttle service;
- 21           -- -- Laundry;
- 22           -- -- Dry cleaning;
- 23           -- -- Shoe maintenance, repair or grooming;
- 24           -- -- Coupons for miscellaneous goods, services and entertainment;
- 25           -- -- Personal property safe; and
- 26           -- -- Personal fitness facilities and equipment.
- 27          --       Forfeited security and room deposits and late charges.

28   The term "gross receipts from the rental of transient lodging" does not include:

- 1           –       The room rent tax imposed or collected from occupants pursuant to this Chapter or  
2                    the provisions of NRS 244.3352;
- 3           –       Meals or beverages charged to an occupant’s room but not purchased for  
4                    consumption in the room; or,
- 5           –       Live shows, plays, concerts and performances charged to an occupant’s room.

6           “Occupancy” means the use or possession, or the right to the use or possession of any  
7 sleeping room or space or portion thereof, in transient lodging for dwelling, lodging or sleeping  
8 purposes.

9           “Occupant” means any person who, for rent, uses possesses or has the right to possess any  
10 sleeping room or space in transient lodging under any lease, concession, permit, right of access,  
11 licensè, contract or agreement.

12           “Operator” means the person who is the proprietor of transient lodging, whether in the  
13 capacity of owner, lessee, sublessee, mortgagee, licensee or any other capacity and who rents, holds  
14 out to rent or advertises for rent rooms to occupants on a daily basis or for periods of twenty-eight  
15 consecutive days or less. Where the operator performs his or her functions through a managing  
16 agent or any type or character other than an employee, the managing agency shall also be deemed  
17 an operator for the purposes of this Chapter and shall have the same duties and liabilities as his or  
18 her principal.

19           “Room” means any space rented in transient lodging for dwelling, lodging or sleeping  
20 purposes.

21           “Room rent” means the gross receipts received by an operator from all occupants of a  
22 transient lodging establishment.

23           “Room rent tax” means the tax required to be paid pursuant to this Chapter by all occupants  
24 of transient lodging regardless of the period of time upon which the room rental is based.

25           “Transient guest” or “temporary guest” means any occupant who has or shall have the right  
26 of occupancy of any room in transient lodging on a daily basis or for periods of twenty eight  
27 consecutive days or less.

28           “Transient lodging” means any of the following establishments which rent rooms to

1 occupants on a daily basis or for periods of twenty-eight consecutive days or less:

- 2       – Hotels;
- 3       – Motels;
- 4       – Apartments;
- 5       – Time-share projects, except when an owner of a unit in the time-share project who
- 6       has a right to use or occupy the unit is occupying the unit pursuant to a time-share
- 7       instrument as defined in NRS 119A.150;
- 8       – Apartment hotels;
- 9       – Vacation trailer parks;
- 10      – Campgrounds;
- 11      – Parks for recreational vehicles;
- 12      – Bed and breakfast;
- 13      – Lodging house; and
- 14      – Any other establishment that rents rooms to transient or temporary guests.

15 The term “transient lodging” does not include any:

- 16      – Hospital, sanitarium, medical clinic, convalescent home, nursing home, home for
- 17      aged people, foster home or other similar facility operated for the care or treatment
- 18      of human beings;
- 19      – Asylum, jail, prison, orphanage or other facility in which human beings are
- 20      detained and housed under legal restraint; housing owned or controlled by any
- 21      educational institution and used exclusively to house students, faculty or other
- 22      employees, and any fraternity or sorority house or similar facility occupied
- 23      exclusively by students and employees of such educational institution, and
- 24      officially recognized by it;
- 25      – Housing operated or used exclusively for religious or charitable purposes and that
- 26      organization having qualifications for exemption from property taxes under the
- 27      laws of the State;
- 28      – Housing owned by a governmental agency and used to house its employees or for

1 governmental purposes; or,

2 – Apartment establishments renting rooms month-to-month and not to transient  
3 guests, provided rental payments are made in full, at a minimum, in monthly  
4 installments.

5 **6.46.020:** No person shall engage in the business of operating a transient lodging  
6 establishment, with or without meals included in the rental rate, without first obtaining and  
7 thereafter maintaining a valid unexpired license pursuant to this Chapter.

8 **6.46.030:** Each operator shall pay semiannual license fees per the following schedule:

9	Number of Rooms	Fee
10	0 to 4	No fee
11	5 to 8	\$25.00
12	9 to 300	\$3.00 for each room
13	Over 300	\$900.00 plus \$1.50 for each room over 300.

14 **6.46.040:** In addition to the license fees provided for in Section 6.40.030, there is fixed and  
15 imposed a tax on the room rent received by transient lodging establishments per the following  
16 schedule:

17 (A) One percent of room rent received by transient lodging establishments  
18 having seventy-five or more rooms.

19 (B) Two percent of room rent received by transient lodging establishments  
20 having less than seventy-five rooms.

21 **6.46.050:** For time-share projects, the room rent taxes imposed by this Chapter shall be  
22 calculated as follows:

23 (A) The applicable percentage as specified in Section 6.46.040 of the room rent  
24 for the use of a time-share unit by a guest other than a time-share member or exchange user.

25 (B) The applicable percentage as specified in Section 6.46.040 of the base sum  
26 of fifty dollars per day for the use of a time-share unit by any time-share member, exchange patron  
27 or other participant in any time-share program. The base sum shall be adjusted by the Director  
28 annually based upon the percentage of change in the Consumer Price Index for Urban Consumers

1 published by the United States Department of Labor. The base sum shall be made effective as of  
2 July 1, each year, and shall be based upon the percentage change in the CPI-U for the twelve-month  
3 period of the preceding calendar year.

4 **6.46.060:** (A) Occupants renting rooms in transient lodging establishments shall pay the  
5 room rent tax imposed by this Chapter for the first twenty-eight days of continuous occupancy  
6 regardless of the period upon which the rental is based.

7 (B) After twenty-eight days continuous occupancy of a particular room in a  
8 transient lodging establishment, the occupant shall be considered a resident guest and shall not be  
9 subject to the payment of the room rent tax.

10 **6.46.070:** A collection fee is allowed for operators of transient lodging establishments in an  
11 amount equal to two percent of the amount of the room rent tax collected pursuant to this Chapter,  
12 provided that such tax is paid to the Department on or before the fifteenth day of the month  
13 following the month for which the tax is due.

14 **6.46.080:** (A) Notwithstanding anything in Title 6 of this Code to the contrary, the room  
15 rent tax provided for by this Chapter shall be due and payable on the first day of each calendar  
16 month next succeeding the month during which such tax accrued.

17 (B) Room rent taxes not paid by the fifteenth of the month they are due to the  
18 City shall be deemed to be delinquent.

19 (C) The operator shall be assessed a penalty of ten percent on all delinquent  
20 amounts of room rent tax as well as interest of one and one-half percent per month, or fraction  
21 thereof, from the first of the month in which such tax becomes due and payable until the date of  
22 payment.

23 **6.46.090:** (A) Room rent tax imposed by this Chapter shall be collected by the operator  
24 from the occupants of transient lodging and shown as a separate charge for occupancy of the room.

25 (B) The operator is liable to the City for such taxes whether or not they are  
26 actually collected from the occupant.

27 **6.46.100:** The provisions of this Chapter are in addition to the room rent taxes on transient  
28 lodging set forth in Chapter 4.20 of this Code.

1 **6.46.110:** (A) It is unlawful for any operator of a transient lodging establishment covered  
2 by this Chapter to fail to maintain adequate room records or to fail to make his or her room records  
3 available in the City during City business hours to the Director or any other person designated by  
4 him or her for the purposes of conducting an audit within seventy-two hours' written notice.

5 (B) Adequate records for the purposes of this Section shall mean the following:  
6 journals, books of accounts, daily cash summary, registration cards, general ledger, receipts  
7 register, income tax return (Schedule C of 1040 Federal Tax Return for Sole Proprietorship; Form  
8 1065 Federal Tax Return for Partnerships; Form 1041 Fiduciary Income tax Return and 1120  
9 Federal Tax Return for Corporations), state sales tax returns, monthly profit and loss statements,  
10 trial balances, folios, including any and all receipt forms, and payment forms for the three-year  
11 period preceding the date of the audit.

12 (C) The Director or his designee has the authority to look at all other books and  
13 records not specifically mentioned above which are maintained by an operator in the connection  
14 with the rental of transient lodging.

15 **6.46.120:** It is unlawful for an operator of transient lodging to require occupants to pay for a  
16 room a greater number of days than actually occupied or requested, whichever is greater.

17 **6.46.130:** An operator of transient lodging shall keep and maintain room registration  
18 documentation for every occupant, which shall include:

19 (A) The name, signature and address of an occupant.

20 (B) The date and time an occupant rents or arranges to rent a room.

21 **6.46.140:** The room registration documentation required to be maintained by an operator of  
22 transient lodging shall, upon demand, be open for inspection or investigation by any law  
23 enforcement officer or City business license official immediately upon demand having been made  
24 by such law enforcement officer or City business license official.

25 **6.46.150:** No room rent tax shall be imposed under the provisions of this Chapter upon:

26 (A) Room rent paid directly by the United States, the State of Nevada, or a  
27 federally chartered credit union.

28 (B) Complimentary rooms wherein there is no room rent paid to the operator in

1 conjunction with the occupancy.

2 (C) Room rent paid for a room in transient lodging that is not used for dwelling,  
3 lodging or sleeping, such as a meeting room.

4 (D) Any revenue attributable to the operator as the result of employees of the  
5 operator occupying a room in the operator's transient lodging establishment.

6 **6.46.160:** Any violation of this chapter constitutes a misdemeanor and the offender shall be  
7 punished by a fine of not more than one thousand dollars or imprisonment for not more than six  
8 months or by both such fine and imprisonment.

9 SECTION 6: Sections 1 and 4 of this Ordinance shall become effective as of 12:01  
10 A.M. the day after publication of this Ordinance by title.

11 SECTION 7: Sections 2, 3 and 5 shall become effective as of 12:02 A.M. the day  
12 after publication of this Ordinance by title.

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

21 SECTION 9: Whenever in this ordinance any act is prohibited or is made or  
22 declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing  
23 of any act is required or the failure to do any act is made or declared to be unlawful or an offense  
24 or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
25 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
26 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of  
27 such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate  
28 offense.

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SECTION 10: 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 \_\_\_\_\_ day of \_\_\_\_\_, 2003.

APPROVED:

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

\_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

James G. Bellis 9-3-03  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2003, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2003, which was a \_\_\_\_\_ meeting of said Council; that at  
6 said \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City  
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

11

12 APPROVED:

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14 By \_\_\_\_\_  
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BARBARA JO RONEMUS, City Clerk

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**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 29, 2003**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

**CONSENT**

**DISCUSSION**

**SUBJECT:**

**NEW BILL:**

**Bill No. 2003-76 – Ordinance Creating Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III Sponsored by: Step Requirement**

**Fiscal Impact**

**No Impact**

**Amount: \$88,986.25**

**Budget Funds Available**

**Dept./Division: Public Works/SID**

**Augmentation Required**

**Funding Source: Capital Projects Fund - Special Assessments**

**PURPOSE/BACKGROUND:**

The work is being performed in conjunction with a street rehabilitation project which will include construction and installation of asphalt paving, curb and gutter, sewer main, and streetlights. The District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west. The District will fund the cost of new streetlights only. Funding for the other project improvements will be provided by Street Rehabilitation and Sanitation.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2003-76

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Bill 2003-76 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that the bill is in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02)

BILL NO. 2003-76

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1501 – DOWNTOWN STREET REHABILITATION PHASE III PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO

Summary Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the Las Vegas, Nevada, Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Street Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District, and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made, and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer and the Engineering Integration Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed; the amount of the estimated assessment to be levied thereon, and the amount of maximum special benefits (and

corresponding market value increases), and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk, and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271 305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon, and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, August 29, 2003, and to appear before the City Council on Wednesday, September 3, 2003, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District, and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project in part with funds derived from the levy of assessments, and the City will pay one-half or more of the costs with monies derived from sources other than the levy of special assessments and that the exception provided by NRS 271 306(2)(a) does exist with respect to the Project, and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed, and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No 1501 Protest Disposal Resolution, and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer The City Council desires now to authorize such improvements and work by this Ordinance

NOW, THEREFORE, THE CITY COUNCIL, OF THE CITY OF LAS VEGAS, DOES ORDAIN AS FOLLOWS

Section 1 That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No 1501 Creation Ordinance" (the "Ordinance")

Section 2 That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No 1501 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3 That the City Council has also determined and does hereby declare as follows

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4 That there hereby is created in the City an improvement district designated as the "Las Vegas, Nevada, Special Improvement District No 1501 – Downtown Street Rehabilitation Phase III" for the purpose of acquiring a Project as more particularly described below The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed,

shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below) The streets to be improved by the improvements are:

Area bounded by Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The improvements will consist of the construction and installation of asphalt paving, curb and gutter, and streetlights. The streetlights will be installed at the back of the curb and gutter at appropriate intervals.

The City Council has determined that the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows.

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
\$ 2,417,000 00	\$ 88,986 25	\$ 2,328,013 75

The amounts to be assessed for the Improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases), provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a unit lot basis. Each property owner will be assessed for the cost of streetlights, where not already existing.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1501 Provisional Order Resolution.

Section 7 That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8 That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9 That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in ten (10) substantially equal semi-annual installments of principal and interest. The City Council shall provide the time and terms of payment of such assessments and shall fix penalties (not to exceed two percent (2%) per month) to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments which will not exceed the current maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If bonds are not issued for the District, the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

Section 10 That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the

District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed

Section 11 That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds

Section 12 That in accordance with NRS 271 325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed) The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance

Section 13. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14 That in accordance with Section 2 110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i e , a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i e , at least ten (10) days before October 15, 2003, such publication to be in substantially the following form

(Form of Publication of Notice of Filing)

Notice of Filing Of

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1501 – DOWNTOWN STREET REHABILITATION PHASE III PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 17th day of September, 2003, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 15th day of October, 2003

/s/ Barbara Jo Ronemus  
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15 That this Ordinance shall be in effect on the day after its publication, as hereinafter provided After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2 110 of the City of Las Vegas Charter and all laws thereunto enabling. Such publication shall be in substantially the following form

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1501 – DOWNTOWN STREET REHABILITATION PHASE III PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on September 17, 2003, and was passed at a regular meeting held on October 15, 2003, by the following vote of the City Council of the City of Las Vegas, Nevada

Those Voting Aye

Oscar B. Goodman  
Gary Reese  
Larry Brown  
Lynette Boggs McDonald  
Lawrence Weekly  
Michael Mack  
Janet Moncrief

Those Voting Nay.

\_\_\_\_\_  
\_\_\_\_\_

Those Absent:

\_\_\_\_\_  
\_\_\_\_\_

This Ordinance shall be in full force and effect from and after October 19, 2003, i.e , the day after its publication by title only.

**IN WITNESS WHEREOF**, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only

This \_\_\_\_\_ day of \_\_\_\_\_, 2003

/s/ OSCAR B GOODMAN  
Mayor  
City of Las Vegas, Nevada

(SEAL)

Attest.  
/s/ BARBARA JO RONEMUS  
City Clerk

Section 16 That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance

Introduced September 17, 2003, PASSED, ADOPTED AND APPROVED October 15, 2003

\_\_\_\_\_  
OSCAR B GOODMAN, Mayor

Attest

\_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

Approved as to form

9-4-'03 *Madelaine T. Dickman DiCicco*  
Date Deputy City Attorney

STATE OF NEVADA            )  
   )  
 COUNTY OF CLARK            ) SS  
   )  
 CITY OF LAS VEGAS         )

I, Barbara Jo Ronemus, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify

1       The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on September 17, 2003, and finally adopted and approved on October 15, 2003

2       The following members of the City Council were present at the September 17, 2003, Council meeting

Mayor. Councilmembers	Oscar B. Goodman Gary Reese Larry Brown Lynette Boggs McDonald Lawrence Weekly Michael Mack Janet Moncrief
--------------------------	--

3       The foregoing Ordinance was first proposed and read by title to the City Council on September 17, 2003, and referred to a committee composed of \_\_\_\_\_ and \_\_\_\_\_ for recommendation, thereafter the said committee reported favorably on said Ordinance on October 15, 2003, which was a regular meeting of said City Council, that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the October 15, 2003, meeting and voted upon the adoption of the Ordinance as follows

Those Voting Aye	Oscar B Goodman Gary Reese Larry Brown Lynette Boggs McDonald Lawrence Weekly Michael Mack Janet Moncrief
------------------	---

Those Voting Nay	_____ _____
------------------	----------------

Those Absent	_____ _____
--------------	----------------

4       The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5 All members of the City Council were given due and proper notice of the meetings held on September 17, and October 15, 2003 Pursuant to § 241 020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit

- (i) City Hall  
City Hall Plaza  
Special Outside Posting Bulletin Board  
Las Vegas, Nevada
- (ii) Senior Citizens Center  
Las Vegas, Nevada
- (iii) Clark County Government Center  
500 South Grand Central Parkway  
Las Vegas, Nevada
- (iv) Downtown Transportation Center  
Las Vegas, Nevada

; and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council

6 A copy of such notice so given of the meeting of the City Council on September 17, 2003, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on October 15, 2003, is attached to this certificate as Exhibit B

7 Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law

**IN WITNESS WHEREOF**, I have hereunto set my hand on this October 15, 2003.

---

BARBARA JO RONEUMUS, City Clerk

(SEAL)

**EXHIBIT A**

**(Attach Copy of Notice of September 17, 2003 Meeting)**

**EXHIBIT B**

**(Attach Copy of Notice of October 15, 2003 Meeting)**

**EXHIBIT C**

**(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)**

**EXHIBIT D**

**(Attach Affidavit of Publication of Title of Creation Ordinance)**

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 29, 2003**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

**CONSENT**

**DISCUSSION**

**SUBJECT:**

**NEW BILL:**

**Bill No. 2003-77** – Amends child care facility and personnel licensing provisions, and increases the membership of the City Child Care Licensing Board. Proposed by: Mark Vincent, Director of Finance and Business Services

**Fiscal Impact**

**No Impact**

**Amount:**

**Budget Funds Available**

**Dept./Division:**

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

This bill provides that the Child Care Licensing Board (Board) shall have the same number of members as the City Council, with each member of the City Council to appoint one member to the Board subject to Council approval. Final approval authority of child care facility licensees and directors will vest with the Board, with the right of appeal to the City Council being granted to current and prospective licensees. Emergency authority to suspend the licenses of child care facility licensees and approvals of directors will be vested with the Department of Finance and Business Services. Increases in the licensing fees for child care facilities are also being proposed.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2003-77

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Bill 2003-77 be held in ABEYANCE to the 10/13/2003 Recommending Committee meeting. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

JIM DiFIORE, Manager, Business Services, advised that three public hearings have been held to date regarding amendments to the City's childcare standards and regulations. There are some proposed revisions to the childcare licensing code to improve some of the terms and some points

RECOMMENDING COMMITTEE MEETING OF SEPTEMBER 29, 2003  
City Attorney  
Item 3 – Bill No. 2003-77

**MINUTES – Continued:**

of authority with regard to the Childcare Licensing Board. In addition to amending definitions of the childcare types of facilities in the code, this bill proposes that the number of Childcare Licensing Board members be increased to seven in order to equate to the number of members on the City Council, as Wards 5 and 6 are not currently represented on the childcare licensing board. After delineating the amendments that would be accomplished by approving this bill, MR. DiFIORE recommended adoption of Bill No. 2003-77. Once COUNCILMEN WEEKLY and MACK have made their appointments to the expanded childcare board, staff can commence discussions regarding the regulations and standards of the childcare industry.

COUNCILMAN WEEKLY confirmed with MR. DiFIORE that notification of these changes has been sent to the various childcare centers and questioned the types of concerns being expressed by the childcare industry. MR. DiFIORE answered that the industry is mainly concerned about the financial burden the ratio of care givers to children would place on them, the ability to transport children to/from schools, and outdoor shading, which has already been addressed.

COUNCILMAN WEEKLY stressed that there cannot be too many precautions where children are concerned, especially with someone else's children. During his tenure with the City, he has come across childcare providers that have a genuine compassion for caring for children and those that are aspiring to be childcare providers. Childcare operators need to be more concerned about yielding professional, quality care to children, not just their bottomline. He welcomed the proposed changes, opining that the laws have been too lenient with childcare operators.

CLAY STRINGHAM, Director of Development, Challenger School, indicated that some of the changes would translate to an expense of over \$500,000 for Challenger School. He believes that some of the proposed changes specifically resulted because of the City's concerns with certain existing facilities that lack supervision. However, raising the cost of childcare to the point where it is non-affordable could cause the parents to leave children in places where they are unattended.

MR. STRINGHAM requested clarification on the following sections of the proposed bill: Page 3, Paragraph C, Line 27; Page 5, Paragraph C, Line 16; Page 6, Line 25; Page 7, Paragraph E; Page 8, Paragraph C; Page 9, Line 2 and Paragraph 5; Page 10, Section 9, Paragraphs A and B, Page 11, Paragraphs B, C, and D of Section 10, and Page 16, Paragraph A, Line 27.

MR. STRINGHAM apologized for requesting so many clarifications and indicated that his questions were not answered at the hearings that were held. He would like these clarifications addressed before the hearings commence on the regulations and standards. COUNCILWOMAN MONCRIEF opined that much of the verbiage in this bill necessitates further clarification. MR. DiFIORE offered to clarify the sections with which MR. STRINGHAM raised issues COUNCILMAN WEEKLY felt that this was not the proper forum to oscillate with questions and answers. MR. STRINGHAM'S issues should be handled at the staff level. COUNCILWOMAN MONCRIEF agreed that any issues should be clarified before the Recommending Committee

RECOMMENDING COMMITTEE MEETING OF SEPTEMBER 29, 2003

City Attorney

Item 3 – Bill No. 2003-77

**MINUTES – Continued:**

meeting. MR. DiFIORE suggested holding the matter for two weeks to allow him to meet with MR. STRINGHAM. COUNCILMAN WEEKLY indicated that holding the matter would also allow other childcare operators to contact MR. DiFIORE with their concerns.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:28)

1 BILL NO. 2003-77

2 ORDINANCE NO. \_\_\_\_\_

3 AN ORDINANCE TO AMEND THE PROVISIONS GOVERNING THE OPERATIONS AND  
4 MANAGEMENT OF CHILD CARE FACILITIES, TO INCREASE THE MEMBERSHIP OF THE  
5 CITY CHILD CARE LICENSING BOARD, AND TO PROVIDE FOR OTHER RELATED  
6 MATTERS.

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

Summary: Amends child care facility and  
personnel licensing provisions, and increases the  
membership of the City Child Care Licensing  
Board.

8  
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
10 AS FOLLOWS:

11 SECTION 1: Title 6, Chapter 24, Section 10, of the Municipal Code of the City of Las  
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.24.010:** As used in this Chapter, unless the context otherwise indicates, the following terms  
14 shall have the meanings that are ascribed to them as follows:

15 [(A)] "Accommodation facility" means a commercial business establishment, not directly  
16 related to child care, that provides limited facilities for the custody of customers' children, with or  
17 without compensation, for not more than three and one-half hours in any twenty-four-hour period.

18 [(B)] "Board" means the Child Care Licensing Board of the City of Las Vegas.

19 [(C)] "Board of health" means the Clark County District Board of Health.

20 "Child care center" means any facility which provides day or night care, or both day  
21 and night care, for compensation, for more than twelve children.

22 [(D)(1) "Child care facility" means an establishment operated for the purpose of furnishing  
23 care on a temporary or permanent basis, during the day or overnight, for compensation, to five or more  
24 children less than eighteen years of age. "Child care facility" does not include:

25 (a) The home of a natural parent or guardian, foster home as defined in  
26 Chapter 424 of NRS or maternity home; or

27 (b) A home in which the only children received, cared for and maintained  
28 are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the

1 person operating the facility.

2 (2) For purposes of this Chapter, a “child care facility” or “facility” mean an  
3 establishment operated and maintained for the purpose of furnishing care on a temporary or permanent  
4 basis, during the day or overnight, with or without compensation, to one or more children less than  
5 eighteen years of age. However, this term shall not apply to:

6 (a) The occasional care of a neighbor’s or a friend’s child for a period not  
7 to exceed four weeks, with or without compensation, when the person providing such care does not  
8 regularly engage in such activity; or

9 (b) Care given by parents who, on a mutually cooperative basis, exchange  
10 care of one another’s children; or

11 (c) Care given to children on church premises while their parents are  
12 attending religious services; or

13 (d) Care given by a contract labor service licensed by the City which  
14 provides among others babysitting services; or

15 (e) An accommodation facility as defined in this Chapter.]

16 “Child care facility” or “facility” means an establishment operated and maintained for the  
17 purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for  
18 compensation, to one or more children less than eighteen years of age. For the purpose of this  
19 definition, “furnishing care” does not include:

20 (A) The occasional care of a neighbor’s or a friend’s child for a period not to exceed  
21 four weeks.

22 (B) Care provided in the home of a natural parent or guardian, foster home as  
23 defined in Chapter 424 of NRS or maternity home.

24 (C) Care provided in a family dwelling in which the only children received, cared  
25 for and maintained are related within the third degree of consanguinity or affinity by blood, adoption  
26 or marriage to the person providing the care

27 The term includes without limitation an accommodation facility, outdoor youth program, and summer  
28 camp program.

1 “Child care institution” means a facility in which the licensee provides care during the day and  
2 night and provides developmental guidance to sixteen or more children who do not routinely return  
3 to the homes of their parents or guardians.

4 “Child with special needs” means a child who does not function according to expectations  
5 appropriate to his or her age and who regularly requires special assistance or accommodations.

6 [(E)] “Department” means the Department of [Business Activity] Finance and Business  
7 Services.

8 [(F)] “Director” means either the licensee of a child care facility or a person appointed by  
9 the licensee who is responsible for managing the operation of a child care facility.

10 “Family child care home” means a facility within a family dwelling in which care is provided  
11 for compensation, without the presence of parents, for at least one, but not more than six children.

12 “Group home for child care” means a facility within a family dwelling in which care is  
13 provided for compensation without the presence of parents, for at least seven, but not more than  
14 twelve children.

15 “On-site child care facility” means a facility that:

16 (A) Is located on the premises of a business for the purpose of providing child care  
17 services to the employees of the business;

18 (B) Provides care on a temporary or permanent basis, during the day or night, for  
19 compensation, to one or more children under the age of eighteen years old who are not related within  
20 the third degree of consanguinity or affinity to an owner or manager of the business; and

21 (C) Is owned, operated, subsidized, managed, contracted for or staffed by the  
22 business.

23 “Outdoor youth program” means a program for the provision of services, while living  
24 outdoors, to persons under eighteen years of age who have behavioral problems with mental health  
25 or problems with abuse of alcohol or drugs. “Outdoor youth program” does not include any facility,  
26 activity or program operated by or on behalf of a governmental entity, or licensed by the State.

27 “Preschool” means a facility in which the licensee has established specific goals to enhance  
28 each child’s cognitive, social, emotional, physical and creative development. A preschool may be part

1 of another type of child care facility. A preschool may allow the number of children stated on its  
2 license to participate in the program for four or fewer hours per day.

3 [H] “Regulations” means the City of Las Vegas Regulations and Standards For Child Care  
4 Facilities adopted by the City Council in addition to the provisions of this Chapter.

5 “Special needs facility” means a child care facility with forty percent or more of its authorized  
6 enrollment consisting of children with special need.

7 [(G)] [“Staff” means the personnel and employees of the Department of Business Activity.]

8 “Summer camp program” means a program offered during the summer for the care of children  
9 under eighteen years of age. “Summer camp program” does not include recreational programs  
10 affiliated with or conducted by the City, another governmental entity or a year-round recreational  
11 program offered and conducted by a non-profit organization.

12 SECTION 2: Title 6, Chapter 24, Section 20, of the Municipal Code of the City of  
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.24.020:** [There is hereby established a board designated as the Child Care Licensing Board of  
15 the City of Las Vegas.

16 (A) The Board shall:

17 (1) Be appointed by the City Council, each member of which may make  
18 one appointment. In making such appointments, the City Council shall give special consideration to  
19 the background of each prospective member including such qualifications as ability, education,  
20 experience, training, profession or occupation and availability and willingness to serve on the Board.  
21 The City Council may also consider such other qualifications of a prospective member as it deems  
22 appropriate;

23 (2) Consist of five members except as provided in Subsection B of this  
24 Section, all of whom must be residents of the City. One member must and not more than one member  
25 may be either a current licensed operator of a facility within the City.

26 (B) Except as provided in Subsection C of this Section, each member of the Board  
27 shall be appointed for a term of four years, which term shall run concurrently with the term of the  
28 member of the City Council who made the appointment.

1 (C) Any vacancy on the board shall be filled by the City Council but only for the  
2 unexpired term of the member whose service on the Board has ended.

3 (D) On the effective date of the ordinance that is codified in this Section, the Board  
4 consists of six members.

5 (1) The members of the existing Board shall be eligible to remain on the  
6 Board for the unexpired terms of their current appointments and shall all be eligible for reappointment  
7 to the Board at the discretion of the City Council.

8 (2) The number of members shall be reduced to five when a member of the  
9 existing Board, other than the member who is a licensed operator of a facility within the City, is  
10 removed from the Board pursuant to the provisions of Chapter 2.52 of this Code, resigns or is not re-  
11 appointed by the City Council to an additional term.]

12 (A) There is hereby established a board designated as the Child Care Licensing  
13 Board of the City of Las Vegas.

14 (B) The Board membership shall be equal in number to those serving on the City  
15 Council, and all Board members must be residents of the City.

16 (C) Not more than two members may be persons who are current licensed operators  
17 of facilities within the City, former licensed operators of facilities within the City, or a combination  
18 thereof.

19 (D) Each member of the City Council shall appoint one member of the Board,  
20 subject to the approval of the City Council.

21 (E) The term of each member of the Board shall run concurrently with the term of  
22 the appointing City Council member.

23 (F) Appointments to fill vacancies on the Board shall be made by the appointing  
24 City Council member, subject to City Council approval, for the unexpired term of office of the  
25 departing Board member.

26 SECTION 3: Title 6, Chapter 24, Section 40, of the Municipal Code of the City of  
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.24.040:** (A) In addition to any other authority granted to the Board pursuant to this Chapter,

1 the Board shall have the authority:

2 (1) To grant full or conditional approval of or deny director applications;

3 (2) To [recommend] grant full or conditional approval of, or deny  
4 applications for new child care facility licenses;

5 (3) As a prerequisite to any action with respect to a new license or director  
6 application, to require the applicant to appear in person at a meeting and attend a general orientation  
7 meeting conducted by the Department;

8 (4) To adopt amendments to the regulations and standards and to  
9 recommend to the City Council the adoption of amendments to this Chapter;

10 (5) At the request of an applicant, to waive a regulation that is more  
11 stringent than a State regulation if it determines that good cause exists;

12 (6) To specify the length of time that a waiver is in effect; [and]

13 (7) To revoke a waiver if, after a public hearing, it determines that the  
14 public health or safety is threatened or the basis upon which the waiver was granted no longer  
15 exists[.]; and

16 (8) To send written notice requiring a licensee or director to appear before  
17 the Board whenever there is reasonable cause to deny, suspend, revoke, or take other appropriate  
18 action against a licensee or director approval issued pursuant to this Chapter.

19 (B) For purposes of the waiver provisions of this Section, “good cause” exists when  
20 an applicant is unduly burdened by a facility regulation and as a result thereby suffers a severe  
21 hardship because of circumstances or conditions which are unique to him.

22 (C) The Board may not:

23 (1) Grant a waiver which will threaten public health or safety; or

24 (2) Grant a waiver of any regulation that would result in any facility not  
25 complying with regulations as adopted by the State Board for Child Care. [Waiver of a state  
26 regulation may be granted by the Sate Board for Child Care pursuant to the procedures set forth in the  
27 State Regulations and Standards for Child Care Facilities.]

28 (D) The Board’s authority under Subsection (A) to require the appearance of

1 applicants, licensees and directors may be exercised by the Department.

2 SECTION 4: Title 6, Chapter 24, Section 50, of the Municipal Code of the City of  
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.24.050:** It is found and declared by the City Council that:

5 (A) The public health, safety, morals and welfare of the inhabitants of the City  
6 require the regulation and control of businesses engaged in the operation of child care facilities[;].

7 (B) All establishments where care of children is given, except as otherwise provided  
8 in LVMC 6.24.010, shall be licensed, operated and controlled so as to protect the public health, safety,  
9 morals and welfare[;].

10 (C) The right to obtain such a license is a privilege and that the operation of a child  
11 care facility, when authorized by such license, is a privileged business subject to regulation[; and].

12 (D) No person shall operate a child care facility without first obtaining and  
13 thereafter maintaining a valid unexpired license pursuant to this Code; provided, however, [t]hat that  
14 the Department may issue a [temorary] temporary business license to an applicant in accordance with  
15 LVMC 6.02.070 if:

16 (1) The applicant at the time he or she files an application is [property]  
17 properly licensed, or held a valid license within sixty days of the application date in a similar business  
18 within Clark County or the City of Las Vegas for which all of the provisions applicable to the  
19 operations of a child care facility have been previously met;

20 (2) The applicant has complied with all other applicable requirements of  
21 this Chapter and this Code; and

22 (3) The business location or business premises have been tentatively  
23 approved by the appropriate departments of the City and [agnecies] agencies of the County or State,  
24 if so required.

25 (E) No person shall operate a family child care home without a designated alternate  
26 care giver, approved by the Department, that can assist or fill in for the licensee in the case of an  
27 emergency.

28 SECTION 5: Title 6, Chapter 24, Section 60, of the Municipal Code of the City of

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

2 **6.24.060:** Every person required to be licensed or approved as a director under this Chapter shall:

3 (A) Make application [in person] to the Department on a form or forms supplied  
4 or approved by the Department[;].

5 (B) Complete all application forms fully, specifying in particular the type of facility  
6 for which a license or approval is sought, the proposed hours of operation of the facility and the ages  
7 and number of children for whom care will be provided[;].

8 (C) File the application at least [thirty] sixty calendar days prior to a regularly  
9 scheduled Board meeting so that any agency to which the Department is required to refer the  
10 application for additional approval may complete its review and report to the Board[; and].

11 (D) Be referred by the Department to [the Las Vegas Metropolitan Police  
12 Department] Metro for investigation[; and], and:

13 (1) Submit at the time of application a nonrefundable investigation deposit  
14 [fee of fifty dollars,] as specified by Metro;

15 (2) Pay the actual cost of the investigation as provided under LVMC  
16 6.06.105[;].

17 (3) Submit the required fees for processing fingerprint cards through the  
18 Federal Bureau of Investigation[, and]; and

19 (4) Follow the work card application procedures outlined in LVMC Chapter  
20 6.86.

21 (E) Pay all license application fees required by Title 6.

22 SECTION 6: Title 6, Chapter 24, Section 70, of the Municipal Code of the City of  
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.24.070:** [An application for a license or renewal thereof may be denied and a license may be  
25 suspended or revoked according to the provisions of this Chapter, upon any of the grounds set forth  
26 in LVMC 6.02.330 and NRS 432A.190.]

27 (A) An application for a child care facility license or renewal thereof may be denied,  
28 upon any of the grounds set forth in LVMC 6.02.330 and NRS 432A.190, or upon any of the

1 following grounds:

2 (1) An applicant does not possess or have the reputation of possessing a  
3 good moral character.

4 (2) An applicant is less than eighteen years of age.

5 (3) An applicant has a history of criminal offenses which would, in the  
6 judgment of the Board or the City Council, jeopardize the physical, mental or emotional well-being  
7 of a child under the care of the applicant. The determination of an applicant's fitness in this regard  
8 shall take into account the nature, severity, frequency and recency of any such offenses.

9 (4) An applicant for a child care facility license who will provide child care  
10 in a family child care home or group home for child care is found to have a home environment which  
11 is not conducive to the health, safety, morals or welfare of children. Such a home environment shall  
12 include, without limitation, the following conduct by an applicant, prospective employee, volunteer  
13 or person living in or frequently visiting the site of the family child care home or group home:

14 (a) Excessive use of alcohol;

15 (b) The use of controlled substances;

16 (c) Serious or prolonged illness;

17 (d) Physical or mental impairment; or

18 (e) Violent behavior.

19 (5) An applicant who after due consideration for the protection of the public  
20 health, safety, morals or welfare is found by the Board or City Council to be unsuitable to receive a  
21 license.

22 (B) A child care facility license may be suspended or revoked according to the  
23 provisions of this Chapter upon any of the same grounds set forth in this Section for denial of an  
24 application for such license.

25 SECTION 7: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
27 6.24.072, to read as follows:

28 **6.24.072:** A child care facility licensee shall either act as the facility director or have another

1 person approved by the Board act as the facility director.

2 SECTION 8: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
4 6.24.075, to read as follows:

5 **6.24.075:** (A) Before acting as a child care facility director on behalf of a child care facility  
6 licensee, a person shall first apply with the Department for approval as a director pursuant to the  
7 provisions of LVMC 6.24.060.

8 (B) An application for approval as a director filed pursuant to Subsection (A) of this  
9 Section may be denied, or suspended or revoked after issuance, upon the same grounds for denial,  
10 suspension or revocation of a child care facility license as set forth in LVMC 6.24.070.

11 SECTION 9: Title 6, Chapter 24, Section 100, of the Municipal Code of the City of  
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.24.100:** [Each new license application shall either be recommended for approval or denied by  
14 the Board within sixty calendar days after the application is filed. However, in the event that any  
15 agency to which the Department is required to refer the application for additional approval is unable  
16 to complete its review thereof in time for the Board to comply with the sixty-calendar-day  
17 requirement, that period may be extended for not more than sixty calendar days. If a license  
18 application is recommended for approval, the Department shall submit the application to the City  
19 Council for consideration at its first available regular meeting thereafter.]

20 (A) The Department shall refer a completed application for a child care facility  
21 license or a child care facility director's position to Metro for background investigation and report on  
22 any areas of concern. Upon completion of the background investigation, the Department shall submit  
23 the application and background investigation report to the Board.

24 (B) The Board shall either grant or deny each new application for a child care  
25 facility license or application for a child care facility director's position within forty-five calendar days  
26 after the application is referred to the Board from the Department.

27 SECTION 10: Title 6, Chapter 24, Section 110, of the Municipal Code of the City of  
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.24.110:** (A) If [an] a new application for a child care facility license or a new application  
2 for a child care facility director's position is [disapproved] denied by the Board, the Department shall  
3 notify the applicant in writing of [such disapproval] the denial.

4 (B) [The] An applicant for a child care facility license may, not later than ten  
5 calendar days after the [date of such notice] notice of denial, appeal the decision of the Board to the  
6 City Council by filing a written [request for review, whereupon the Council shall either grant or deny  
7 the application] notice of appeal with the Department, identifying with specificity the errors of law  
8 and fact allegedly committed by the Board.

9 (C) A decision of the Board denying an application for a director's position is final  
10 and is not subject to appeal to the City Council.

11 (D) A written notice of appeal filed pursuant to Subsection (B) of this Section shall  
12 be referred by the Department to the City Council within thirty days, at which time the City Council,  
13 after reviewing the concerns of the Board, shall either affirm the Board's decision or direct that the  
14 Board grant the applicant's license, subject to any conditions that the City Council deems appropriate.

15 SECTION 11: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
16 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
17 6.24.112, to read as follows:

18 **6.24.112:** The Department may issue an emergency order which suspends or conditions a child  
19 care facility license or director approval, or both, if the Department believes that:

20 (A) There has been a violation of the provisions of this Code;

21 (B) Such order is necessary for the immediate preservation of the public peace,  
22 health, safety, morals, good order or general welfare within the city; or

23 (C) Such order is deemed necessary to provide protection of children from child  
24 abuse, neglect, or any other condition that could impact the health, safety, or well being of children.

25 SECTION 12: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
27 6.24.114, to read as follows:

28 **6.24.114:** Any emergency order issued pursuant to LVMC 6.24.112 shall set forth the grounds

1 upon which it is issued, including a statement of facts constituting the emergency which necessitates  
2 such order and shall be effective immediately upon the issuance and personal service thereof on the  
3 licensee or director of the facility or upon the posting thereof upon the facility premises.

4 SECTION 13: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
6 6.24.116, to read as follows:

7 **6.24.116:** A licensee or director may appeal an emergency order of the Department to the Board  
8 by filing a written notice of appeal with the Department, and the Board shall conduct a hearing within  
9 twenty days after the filing of the notice of appeal. An appeal must be filed not later than ten days  
10 after the effective date of such emergency order or the right to appeal is deemed waived.

11 SECTION 14: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
12 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
13 6.24.118, to read as follows:

14 **6.24.118:** Before a child care facility licensee may exceed the enrollment level authorized by the  
15 Board at the time of licensing, the licensee must first have the written approval of the Department.  
16 In no event may such increase in enrollment exceed the permitted occupancy level.

17 SECTION 15: Title 6, Chapter 24, Section 120, of the Municipal Code of the City of  
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.24.120:** The following annual license fees shall be required and shall be paid prior to issuance  
20 of a child care facility license:

- 21 [(A) For a family home, twenty dollars;  
22 (B) For a group home, eighty dollars;  
23 (C) For a child care center or child care institution, one hundred twenty dollars;  
24 (D) For a preschool or nursery for infants and toddlers, with up to and including  
25 twelve children enrolled, sixty dollars;  
26 (E) For a preschool or nursery for infants and toddlers, with more than twelve  
27 children enrolled, one hundred twenty dollars.]

28 (A) Family child care home \$40.00

1	(B)	<u>Group home for child care</u>	<u>\$80.00</u>
2	(C)	<u>Summer camp program</u>	<u>\$100.00</u>
3	(D)	<u>Child care institution</u>	<u>\$120.00</u>
4	(E)	<u>For a child care center, preschool center, special</u>	
5		<u>needs facility, on-site child care facility, and</u>	
6		<u>any other facility not specifically enumerated in</u>	
7		<u>this Section, the license fees shall be based</u>	
		<u>upon the number of children the facility is</u>	
		<u>licensed to have on the premises as follows:</u>	
8	(1)	<u>1 to 12 children</u>	<u>\$80.00</u>
9	(2)	<u>13 to 35 children</u>	<u>\$120.00</u>
10	(3)	<u>36 to 65 children</u>	<u>\$150.00</u>
11	(4)	<u>66 to 100 children</u>	<u>\$175.00</u>
12	(5)	<u>101 to 150 children</u>	<u>\$200.00</u>
13	(6)	<u>151 to 200 children</u>	<u>\$225.00</u>
14	(7)	<u>201 or more children</u>	<u>\$250.00</u>
15	(F)	<u>Accommodation Facility</u>	<u>\$120.00</u>

16 SECTION 16: Title 6, Chapter 24, Section 150, of the Municipal Code of the City of  
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.24.150:** [Any license issued under the provisions of this Chapter shall not be transferable by  
19 the licensee to any other person and shall be valid only for the particular premises described therein  
20 and the type of facility and number of children for which it is issued.]

21 A license issued pursuant to this Chapter is not transferable to any other person and,  
22 subject to the provisions of LVMC 6.24.192 is valid only for the premises described on the license.

23 SECTION 17: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
25 6.24.190, to read as follows:

26 **6.24.190:** A child care facility licensee may change his or her location of operation by filing a  
27 form furnished or approved by the Department. The Department shall approve the change of location  
28 if the location meets all of the requirements of this Code and the Clark County Health District, and

1 upon payment of all appropriate license fees.

2 SECTION 18: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
4 6.24.192, to read as follows:

5 **6.24.192:** All persons licensed to do business under this Chapter shall report to the Department  
6 on a form furnished or approved by the Department any change in business name. The Department  
7 shall approve the change of business name upon acceptance of the application and payment of all  
8 appropriate license fees.

9 SECTION 19: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
11 6.24.194, to read as follows:

12 **6.24.194:** Prior to moving from one child care facility to another child care facility, a director  
13 shall first secure the written approval of the Department.

14 SECTION 20: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section  
16 6.24.196, to read as follows:

17 **6.24.196:** Licensees and directors have a continuing duty and obligation to notify the Department  
18 of additions, deletions, changes or modifications in the information furnished to the Department, and  
19 this duty continues as long as they continue to provide child care.

20 SECTION 21: Title 6, Chapter 24, Section 200, of the Municipal Code of the City of  
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.24.200:** The Department shall verify that the licensee, for continued licensure, meets all  
23 requirements set forth in this Chapter and in the regulations. In the event that any license renewal  
24 [application] is [disapproved] denied by the Department or the Department determines that the  
25 [application] license renewal should be considered by the Board because of infractions associated with  
26 the facility during the previous year, notice thereof shall be given to the [applicant] licensee in writing  
27 and served by registered or certified mail, return receipt requested, or by personal service along with  
28 a notice that a hearing on the matter shall be set before the Board on a date prior to the expiration of

1 the [applicant's] licensee's license. The decision of the Board shall be final, except that the denial of  
2 a license renewal [application] may be appealed to the City Council in accordance with LVMC  
3 6.24.110.

4 SECTION 22: Title 6, Chapter 24, Section 210, of the Municipal Code of the City of  
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.24.210:** At the time of its original license application, a facility shall be inspected and approved  
7 by the [Fire Services Department] Department of Fire and Rescue. Thereafter, at least annually, the  
8 [Fire Services Department] Department of Fire and Rescue shall inspect the facility to ensure that fire  
9 standards are being met and maintained.

10 SECTION 23: Title 6, Chapter 24, Section 230, of the Municipal Code of the City of  
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.24.230:** The health officer or his designated representative shall, for purposes of inspection or  
13 investigation, have authority to enter any building in which a facility is located and to inspect all food  
14 products, water supplies, sewage disposal facilities, utensils and equipment located upon the premises.  
15 Copies of sanitation inspection reports must be kept on file in the facility [and sent to the Department]  
16 for two years.

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

19 **6.24.240:** The Department shall ensure that all facilities are inspected at least [once every six  
20 months] twice a year; provided, however, the time between inspections shall not exceed six months.  
21 More frequent inspections may be made [if the Department has reason to believe that the licensee of  
22 a facility is not meeting the requirements of this Chapter] in the discretion of the Department.

23 SECTION 25: Title 6, Chapter 24, Section 250, of the Municipal Code of the City of  
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.24.250:** Department [Staff or their] designated representatives shall have the authority to enter  
26 [upon] the premises of any facility at any time [during normal business hours] the facility is open to  
27 the public for business for the purpose of inspection or investigation.

28 SECTION 26: Title 6, Chapter 24, Section 260, of the Municipal Code of the City of

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

2 **6.24.260:** Whenever the Department has reason to believe that a facility is operating without a  
3 license, or that a licensed facility is not conforming to the conditions of its license or the provisions  
4 of this Chapter or the regulations, the Department shall investigate to determine the facts. The  
5 Department shall have authority to inspect the premises where the violation is alleged to have occurred  
6 and to conduct other such investigations as [may be] it deems appropriate.

7 SECTION 27: Title 6, Chapter 24, Section 300, of the Municipal Code of the City of  
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.24.300:** [(A) Any administrative or judicial proceeding against a facility or a licensee or a  
10 director in his capacity as licensee or director shall be reported by the licensee to the Department not  
11 later than ten calendar days after notice of the proceeding is served on the facility, licensee or director.

12 (B) Any arrest of a licensee or a director or employee for an act that constitutes a  
13 crime which involves moral turpitude or for conduct that bears upon the operation of a facility shall  
14 be reported by the licensee or director to the Department not later than ten calendar days after the  
15 arrest occurs.]

16 Licensees and directors have a continuing duty to notify the Department of:

17 (A) Any civil, administrative or judicial proceeding against a facility, licensee or  
18 director not later than ten calendar days after notice of the proceeding is served.

19 (B) Any criminal charge, arrest or conviction involving a licensee or director within  
20 forty-eight hours after a licensee or director has notice of the criminal charge, arrest or conviction.

21 SECTION 28: Title 6, Chapter 24, Section 340, of the Municipal Code of the City of  
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.24.340:** [(A) Any person whether a full-time or part-time employee or trainee, and whether  
24 or not paid, in the employ of a facility, shall possess a valid child care work card issued by the Las  
25 Vegas Metropolitan Police Department and a valid health card issued by the board of health prior to  
26 the commencement of services with children.]

27 (A) Any person who works with or has occasion to be in direct contact with  
28 children at a facility, whether or not full-time, whether or not related to any of the children or whether

1 or not compensated for their services, must first obtain and thereafter maintain a valid child care work  
2 card issued by Metro and a valid health card issued by the Clark County Health District as a condition  
3 of such contact; provided, however, that the provisions of this Subsection do not apply to persons who  
4 are not agents, employees or contractors of the facility and who are only delivering and picking up  
5 children from a facility.

6 (B) Every person who is eighteen years of age or older who resides in a facility  
7 shall be required to obtain a child care work card.

8 (C) In addition to the provisions outlined in LVMC Chapter 6.86, the procedures  
9 for obtaining a child care work card shall include submission of required fees for processing  
10 fingerprint cards through the Federal Bureau of Investigation.

11 (D) Parents who participate with their children in a federally funded program are  
12 exempt from the work card provisions of Subsection (A) of this Section provided they are in the  
13 presence of an employee of the facility at all times.

14 SECTION 29: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,  
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 350,  
16 to read as follows:

17 **6.24.350:** For the purposes of this Chapter, if a child care facility provides child care on a regular  
18 basis, there is a rebuttable presumption that the child care facility accepts compensation for the  
19 services.

20 SECTION 30: Title 6, Chapter 24, Sections 80, 190 and Sections 350 through 410,  
21 inclusive, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed.

22 SECTION 31: All Sections of this Ordinance, except Sections 17 and 29 shall become  
23 effective as of 12:01 A.M. the day after publication of this Ordinance by title.

24 SECTION 32: Sections 17 and 29 of this Ordinance shall become effective as of 12:02  
25 A.M. the day after publication of this Ordinance by title.

26 SECTION 33: If any section, subsection, subdivision, paragraph, sentence, clause or  
27 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid  
28 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

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

6 SECTION 34: Whenever in this ordinance any act is prohibited or is made or declared  
7 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
8 required or the failure to do any act is made or declared to be unlawful or an offense or a  
9 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
10 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
11 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
12 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

13 SECTION 35: All ordinances or parts of ordinances or sections, subsections, phrases  
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

17 APPROVED:

18  
19 By \_\_\_\_\_  
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 \_\_\_\_\_  
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 Janey G. Bettes 9-4-03  
26 \_\_\_\_\_  
27 Date

28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2003, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of  
5 \_\_\_\_\_, 2003, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council as  
7 first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

11 APPROVED:

12 By \_\_\_\_\_  
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15  
16 BARBARA JO RONEMUS, City Clerk

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# City of Las Vegas

## **RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 29, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

### **MINUTES:**

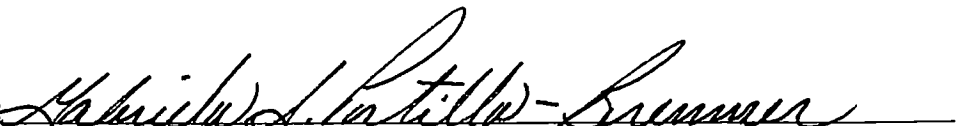
None

(4:28)

1-882

**THE MEETING ADJOURNED AT 4:28 P.M.**

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

October 1, 2003