

City of Las Vegas

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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, OCTOBER 13, 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. 2003-81 - Ordinance authorizing the issuance of City of Las Vegas General Obligation (Limited Tax) Medium-Term Recreation Bonds, Series 2003, not to exceed \$20,000,000 - Ward 4 (Brown)
2. Bill No. 2003-82 - Establishes a traffic signal impact fee program for the City pursuant to State law Proposed by: Richard D. Goecke, Director of Public Works

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 11/5/2003 CITY COUNCIL MEETING.

3. ABEYANCE ITEM - 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
4. ABEYANCE ITEM - 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
5. Bill No. 2003-78 - Establishes locational restrictions for the uses "auto pawn," "auto title loan," and "specified financial institution." Proposed by: Robert S. Genzer, Director of Planning and Development
6. Bill No. 2003-79 - Establishes zoning requirements for facilities that provide testing, treatment, or counseling for drug or alcohol abuse or for sex offenses, and updates zoning provisions regarding similar and related uses. Proposed by: Robert S. Genzer, Director of Planning and Development
7. Bill No. 2003-80 - Updates enforcement measures and remedies regarding abandoned and inoperable vehicles that are left on private property under certain circumstances. Proposed by: Sharon Segerblom, Director of Neighborhood 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

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**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 2003**

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

MINUTES:

PRESENT. COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, 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

(4:02)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 2003

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-81 – Ordinance authorizing the issuance of City of Las Vegas General Obligation (Limited Tax) Medium-Term Recreation Bonds, Series 2003, not to exceed \$20,000,000 - Ward 4 (Brown)

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Pursuant to NRS 268.672 through 268.740, and NRS 350.087 through 350.095, the City is authorized to issue medium-term obligations to finance recreational projects as defined in NRS 268.710. The City intends to use the proceeds of this bond issue to finance a soccer complex.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2003-81
2. Letter from the State of Nevada Department of Taxation

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-81 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.

MARK VINCENT, Director, Finance and Business Services, indicated that the ordinance involves the final resolution of the City issuing recreation bonds to specifically fund part of the construction of the soccer complex at Washington Avenue. The bonds will be paid back from room tax credits reimbursed from the Las Vegas Convention and Visitors Authority.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003
Finance and Business Services
Item 1 – Bill No. 2003-81

MINUTES – Continued:

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:03)

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Summary - An ordinance authorizing the issuance by the City of Las Vegas, Nevada, of its General Obligation (Limited Tax) Medium-Term Recreation Bonds, Series 2003 and providing other matters relating thereto.

BILL NO. 2003-81
ORDINANCE NO. _____

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2003 MEDIUM-TERM RECREATION BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM RECREATION BONDS, SERIES 2003, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING EQUIPPING AND IMPROVING RECREATION PROJECTS FOR THE CITY; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Las Vegas in the County of Clark and State of Nevada (the "City," the "County" and the "State," respectively) is a political subdivision of the State duly organized and operating as a city under the provisions of Nevada Revised Statutes ("NRS") chapter 268 and an act entitled "AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

WHEREAS, pursuant to Section 7.020 of the Charter, the City, acting through the City Council (the "Council" or the "Governing Body") is authorized to borrow money for any municipal purpose and for such purpose may issue bonds or other securities, and pursuant to Nevada Revised Statutes ("NRS") §§ 268.672 to 268.740 (the "City Bond Law"), the City is authorized to issue bonds to finance recreational projects as defined in NRS § 268.710 for the City (the "Project"); and

WHEREAS, pursuant to Nevada Revised Statutes ("NRS") §§ 350.087 through 350.095, inclusive (the "Act"), the City is authorized to enter into medium-term obligations to finance the Project and to issue, as evidence thereof, negotiable medium-term notes or bonds which shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but which shall be paid from other legally

available funds of the County (subject to certain Constitutional and statutory tax limitations), which must mature not later than 10 years after the date of issuance and must bear interest at a rate or rates which do not exceed by more than 3 percent the "Index of Twenty Bonds" which was most recently published before bids for their purchase are received; and

WHEREAS, pursuant to NRS § 350.087 and pursuant to a resolution adopted by the Council, the Council determined to publish a notice (the "Notice") of its intention to authorize and to issue medium-term bonds in the maximum principal amount of \$20,000,000 in a newspaper of general circulation in the City and an affidavit of such publication is on file in the office of the City Clerk; and

WHEREAS, the Board adopted by at least a two-thirds majority a resolution authorizing medium-term obligations in the maximum principal amount of \$20,000,000 to finance the Project (the "Authorizing Resolution") which contained a finding by the Council that the public interest requires medium-term obligations and a statement of the facts upon which the finding was based, which vote was taken at least 10 days after the publication of the Notice; and

WHEREAS, pursuant to NRS § 350.089 and relevant provisions of the Nevada Administrative Code, the Council caused a certified copy of the Authorizing Resolution and supporting documents to be submitted to the Executive Director of the Department of Taxation of the State of Nevada (the "Department of Taxation") for his approval; and

WHEREAS, the City received the approval of the Executive Director of the Department of Taxation for such medium-term obligations, a copy of such approval being attached to the following page as follows:

(Attach Approval of Department of Taxation)

WHEREAS, the approval of the Department of Taxation as set forth in the preambles hereof is hereby recorded in the minutes of the Council as required by NRS § 350.089, and

WHEREAS, the City has not previously utilized any of the authority so approved by the Department of Taxation; and

WHEREAS, pursuant to the Authorizing Resolution, the Council ordered the medium-term obligations to be publicly offered for sale in the form of medium-term bonds, authorized the City Finance Director to arrange for the sale of the such medium-term bonds; and

WHEREAS, the Council hereby determines that the bonds herein authorized to be issued shall be designated the “City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds, Series 2003” in the aggregate principal amount of \$20,000,000 (the “Bonds”), and

WHEREAS, the Council has determined and hereby declares and determines that legally available funds of the City will at least equal the amount required in each year for the payment of interest on and the principal of the Bonds; and

WHEREAS, pursuant to NRS § 350.091, the Council has determined and hereby determines that the maximum term of the Bonds does not exceed the estimated useful life of the Project financed with the proceeds of the Bonds, and

WHEREAS, the Council elects to and hereby determines to issue the Bonds in accordance with the provisions of NRS §§ 350.500 through 350.720, and all laws amendatory thereof, designated in § 350.500 thereof by the short title “Local Government Securities Law” (the “Bond Act”); and

WHEREAS, the Council is not authorized to levy general ad valorem taxes (the “General Taxes”) to pay the principal of or interest on the Bonds exempt from the limitations of any statutes of the State; any General Taxes levied for the purpose of paying principal or interest on the Bonds will be subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS §§ 354.59811, 354.59813, 354.59815, 354.5982 and 361.453; and

WHEREAS, the Council is therefore authorized and empowered by the Charter, the City Bond Law, by the Act, by the approval of the Executive Director of the Department of Taxation, and by the Bond Act, without any further preliminaries:

- A. To issue and sell the City’s Bonds; and
- B. To exercise the incidental powers provided in the Bond Act in connection with the powers authorized therein or as otherwise expressly provided therein; and

WHEREAS, the Council in the Authorizing Resolution authorizing the City Director of Finance or his designee to arrange for the issuance and sale of the Bonds, subject to, among other conditions, adoption by the City of this Ordinance specifying the Bond terms and details and approving their sale; and

WHEREAS, after notice inviting bids for their purchase, the City Director of Finance Director, as the chief financial officer of the City, or the City Manager, as the chief administrative officer of the City, is hereby authorized to receive bids and sell the Bonds to the best bidder therefor (the “Purchaser”) and the City Director of Finance or the City Manager is hereby authorized to accept a binding bid for the Bonds, the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the “Bond Purchase Proposal”), such rates not to exceed 3 percent over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds, at a price equal to the principal amount thereof plus accrued interest to the date of delivery of the Bonds plus a premium or less a discount not to exceed 9 percent of the principal amount of the Bonds, all as specified by the City Director of Finance or the City Manager in a certificate dated on or before the date of delivery of the Bonds (the “Certificate of the Finance Director”); and

WHEREAS, the Council hereby elects to have the provisions of Chapter 348 of NRS (the “Supplemental Bond Act”) apply to the Bonds; and

WHEREAS, the Council has determined and hereby declares that each of the limitations and other conditions to the issuance of the Bonds in the Charter, the City Bond Law, the Act, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to § 350.708, Bond Act, this determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion.

WHEREAS, the Board has determined and does hereby declare:

- (i) This Ordinance pertains to the sale, issuance and payment of the Bonds; and
- (ii) Such declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of subsection 2, § 350.579, Bond Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN:

SECTION 1. **Short Title.** This Ordinance shall be known and may be cited as the “2003 Medium-Term Recreation Bond Ordinance” (this “Ordinance”).

SECTION 2 **Acceptance of Purchase Proposal.** The City Manager or the City Director of Finance is hereby authorized to accept the Purchase Proposal submitted by the Purchaser for the purchase of the Bonds as set forth in the preambles hereof.

SECTION 3 **Ratification.** All action heretofore taken by the Council and the officers and employees of the City directed toward the Project and toward the issuance, sale and delivery of the Bonds is ratified, approved and confirmed including, without limitation, the Official Notice of Bond Sale, and the distribution of the preliminary and final official statements for the Bonds.

SECTION 4. **Necessity of Project and Bonds.** It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and it is hereby so determined and declared.

SECTION 5. **Authorization of Project.** The Council hereby authorizes the Project.

SECTION 6. **Authorization of Bonds.** For the purpose of providing funds to pay all or a portion of the cost of the Project, the City shall issue the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds, Series 2003" in the aggregate principal amount set forth in the Certificate of the Finance Director (not to exceed \$20,000,000). The Bonds shall be in the form substantially as set forth in § 24 hereof.

SECTION 7. **Ordinance to Constitute Contract.** In consideration of the purchase and the acceptance of the Bonds by those who shall own the same from time to time, the provisions hereof shall be deemed to be and shall constitute a contract between the City and the registered owners from time to time of the Bonds.

SECTION 8. **Bonds Equally Secured.** The covenants and agreements herein set forth to be performed shall be for the equal benefit, protection and security of the owners of any and all of the outstanding Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction except as otherwise expressly provided in or pursuant to this Ordinance.

SECTION 9. **General Obligations.** All of the Bonds, as to the principal thereof and the interest thereon (the "Bond Requirements") shall constitute general obligations of the City, which hereby pledges its full faith and credit for their payment.

SECTION 10. **Payment of the Bonds.** The Bond Requirements of the Bonds shall be payable from any monies legally available therefor, and provision for the payment of the Bond Requirements of the Bonds shall be made as provided in the Act, provided, however, that ad valorem taxes levied for the purpose of paying the principal of or interest on the Bonds shall

be subject to the limitations contained in the Constitution and statutes of the State, including, without limitation, the limitations on the levy of ad valorem taxes imposed by NRS §§ 354.59811, 354.59813, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes exempt from the limitations of any of said statutes to pay the Bond Requirements of the Bonds. The City hereby irrevocably covenants with the registered owners of the Bonds from time to time that it will make sufficient provisions annually in its budget to pay the Bond Requirements of the Bonds, when due.

SECTION 11. **Limitations upon Security.** The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

SECTION 12. **No Recourse Against Officers and Agents.** No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Bond and as a part of the consideration of its issuance specially waived and released.

SECTION 13. **Bond Details.** The Bonds shall be issued in fully registered form. The Bonds shall be dated as of the date of delivery of the Bonds, and except as otherwise provided in Section 17 hereof, shall be issued in denominations of \$5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on the maturity date, and no individual Bond will be issued with more than one maturity). The Bonds shall bear interest from their date until their maturity date at the rates set forth in the Certificate of the Finance Director, payable on May 1 and November 1 of each year commencing on May 1, 2004; provided that those Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates set forth in the Certificate of the Finance Director from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the designated dates and amounts of principal (not to exceed ten years from the date of the Bonds) as designated in the Certificate of the Finance Director. The principal of any Bond shall be payable to the owner thereof as shown on the registration records kept by the City Treasurer in Las Vegas, Nevada, as registrar for the Bonds (the "Registrar"), upon maturity and

upon presentation and surrender at the office of the City Treasurer, in Las Vegas, Nevada, as paying agent for the Bonds (the "Paying Agent"). If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full.

SECTION 14. A. **Payment of Interest.** Except as otherwise provided in Section 17 hereof, payment of interest on any Bond shall be made to the owner thereof by check or draft mailed by the Paying Agent, on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the owner thereof, at his or her address as shown on the registration records kept by the Registrar as of the close of business on the fifteenth day of the calendar month next preceding each interest payment date (other than a special interest payment date hereafter fixed for payment of defaulted interest) (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the owner thereof as shown on the registration records of the Registrar as of the close of business on the Regular Record Date and shall be payable to the owner thereof, at his or her address, as shown on the registration records of the Registrar as of the close of business on a date fixed to determine the names and addresses of owners for the purpose of paying defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to the owners of the Bonds not less than ten days prior thereto by first-class mail to each such owner as shown on the Registrar's registration records as of a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent. All such payments of principal and interest shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

B. **No Prior Redemption** Bonds, or portions thereof, are not subject to redemption prior to their respective maturities.

SECTION 15. **Negotiability.** Subject to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 16. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 17 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in § 13 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond.

B. The person in whose name any Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes (except to the extent otherwise provided in § 13 hereof with respect to interest payments); and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the owner thereof or his or her legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the City may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

D. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Council upon request.

SECTION 17. Book Entry.

A. Notwithstanding the foregoing provisions of Sections 13 to 16 hereof, the Bonds shall initially be evidenced by one Bond for the year in which the Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in subsection 3 of NRS § 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this Subsection A, or a determination by the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Council of another depository institution acceptable to the Council and to the depository then holding the bonds, which new depository institution must be both a "clearing corporation" as defined in subsection 3 of NRS § 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository; or

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this Subsection A, or a determination of the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the Council, after

reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of Subsection A hereof or designation of a new depository pursuant to clause (2) of Subsection A hereof, upon receipt of the outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity of the Bonds then outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of Subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the outstanding bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in any subject to the limitations of Section 13 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The Council, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Council, the Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to Subsection A hereof.

D. The Council, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of Subsection A hereof in effectuating payment of the Bond Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

SECTION 18. Execution and Authentication

A. Prior to the execution of any Bonds by facsimile signature and pursuant to § 350.638, Bond Act, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Mayor of the City of Las Vegas (the "Mayor"), the City Treasurer (the "Treasurer") and the City Clerk (the "Clerk") shall have each filed with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

B. The Bonds shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, shall be signed and executed with the manual or facsimile signature of the Treasurer, and shall bear a manual impression or a facsimile of an impression of the official seal of the City attested with the manual or facsimile signature of the Clerk.

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

D. The Mayor, the Treasurer and the Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

SECTION 19. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the execution of the Bonds shall be valid and binding obligations of the City, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Mayor, the Treasurer, and the Clerk, at the time of the execution of a signature certificate relating to the Bonds, may each adopt as and for his own facsimile signature, the facsimile signature of his predecessor in office if such facsimile signature appears upon any of the Bonds.

SECTION 20. Incontestable Recital. Pursuant to § 350.628 of the Bond Act, the Bonds shall contain a recital that they are issued pursuant to the Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

SECTION 21. **State Tax Exemption** Pursuant to § 350.710, Bond Act, the Bonds, their transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to Chapter 375B of NRS.

SECTION 22. **Initial Registration** The Registrar shall maintain separate registration records of the City for the Bonds, showing the name and address of the owner of each Bond authenticated and delivered, the date of authentication, the maturity of the Bond, and its interest rate, principal amount, and bond number.

SECTION 23. **Bond Delivery**. After such registration by the Registrar and after their execution and authentication as provided herein, the Treasurer shall cause the Bonds to be delivered to the Purchaser, upon payment being made in accordance with the terms of their sale.

SECTION 24. **Bond Form**. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

**CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX)
MEDIUM-TERM RECREATION BONDS
SERIES 2003**

No. _____ \$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated As of</u>	<u>CUSIP</u>
_____ %	_____ 1, _____	_____, 2003	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Las Vegas, Clark County, in the State of Nevada (the "City", the "County" and the "State", respectively) for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest thereon on May 1 and November 1 of each year, commencing on May 1, 2004, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided for. This Bond shall bear interest from the most recent interest payment date to which interest has been paid or, if no interest has been paid, from the date of this Bond. The principal of this Bond is payable upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds (the "Paying Agent"), presently the City Treasurer in Las Vegas, Nevada, who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such date is not a business day, on the next succeeding business day) by check or draft mailed by first class mail to the person in whose name this Bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon, as of the close of business on the fifteenth day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner as of the close of business on the Regular Record Date and shall be payable to the person who is the registered owner as of the close of business on a special record date for the payment of any defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to the registered owner not less than ten (10) days prior thereto. Alternative means of payment of

interest may be used if mutually agreed to by the registered owner and the Paying Agent, as provided in the ordinance of the City Council of the City of Las Vegas (the "Council") authorizing the issuance of the Bonds (the "Bonds") and designated in § 1 thereof as the "2003 Medium-Term Recreation Bond Ordinance" (the "Ordinance"), duly adopted by the Council on October 15, 2003. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

The Bonds are issuable solely as fully registered Bonds in denominations of \$5,000 each or (subject to certain conditions) any integral multiple thereof, and are exchangeable for fully registered Bonds of the same maturity in equivalent aggregate principal amounts and in authorized denominations at the aforesaid office of the Registrar but only in the manner, subject to the limitations, and on payment of charges provided in the Ordinance.

This Bond is fully transferable by the registered owner in person or by his or her duly authorized attorney on the registration records kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered Bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this Bond, on payment of the charges and subject to the terms and conditions as set forth in the Ordinance.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co, has an interest herein.

This Bond must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest.

** The Bonds shall not be transferable or exchangeable except as set forth in the Ordinance.**

This Bond is one of a series of Bonds issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part the cost of acquiring, constructing, improving and equipping recreation projects in the City, under the authority of and in full compliance with the Constitution and laws of the State, and pursuant to the Ordinance.

This Bond is issued pursuant to Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter") pursuant to Nevada Revised Statutes ("NRS") §§ 268.672 to 268.740, inclusive (the "City Bond Law"), pursuant to NRS §§ 350.087 to 350.095, inclusive (the "Act"), pursuant to NRS §§ 350.500 through 350.720, and all laws amendatory thereof, designated in § 350.500 thereof as the "Local Government Securities Law" (the "Bond Act"), and pursuant to the Ordinance; pursuant to § 350.628 of the Bond Act, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to § 350.710 of the Bond Act, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to Chapter 375B of NRS.

The Bonds, as to all Bond Requirements, shall be payable from any moneys of the City legally available for the purpose of making such payment and the full faith and credit of the City are hereby irrevocably pledged for making such payment. Provision for the payment of the Bonds shall be made as provided in §§ 350.093 and 350.095 of the Act, provided, however, that ad valorem taxes levied for the purpose of paying the principal of and interest on the Bonds are subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS §§ 354.59811, 354.5913, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes to pay the principal of or interest on the Bonds exempt from the limitations of any such statutes, but the City has covenanted in the Ordinance to make sufficient provision annually in its budget to pay the Bond Requirements of the Bonds, when due

The City covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and will perform all of the covenants of the Ordinance.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Ordinance or other instrument pertaining thereto against any individual member of the Council, or any officer or other agent of the City, past, present, or future, either directly or indirectly through the Council or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

It is hereby certified, recited, declared and warranted that all actions required to be taken prior to the issuance hereof have been had and taken by the City; that the issuance of the Bonds has been approved by the Executive Director of the Department of Taxation of the State of Nevada as required by the Act, and that the principal of the Bonds, when added to other City

indebtedness, does not exceed the limits on indebtedness of the City provided in the Constitution and statutes of the State.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Clark County, State of Nevada, has caused this Bond to be executed in the name and on behalf of the City with the manual or facsimile signature of the Mayor of the City, to be attested, signed and executed with a manual or facsimile signature of the City Clerk and to be signed, subscribed and executed by the manual or facsimile signature of the City Treasurer, and has caused a manual or facsimile impression of the seal of the City to be affixed hereon, all as of _____, 2003.

(MANUAL OR FACSIMILE
CITY SEAL)

CITY OF LAS VEGAS, NEVADA

Attest:

(Manual or Facsimile Signature)
Mayor

(Manual or Facsimile Signature)
City Clerk

(Manual or Facsimile Signature)
City Treasurer

* Insert only if Bonds are delivered pursuant to Section 16(A)(3) of this Ordinance.

** Insert only if Bonds are delivered pursuant to Section 16(A) of this Ordinance.

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication for Bonds)

Date of authentication
and registration _____

This is one of the Bonds described in the within-mentioned Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

CITY OF LAS VEGAS TREASURER
as Registrar

By _____ Manual Signature
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication for Bonds)

[STATEMENT OF INSURANCE]
add statement of insurance, if applicable

(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Name of Transferee.

Address of Transferee:

Social Security or other tax
identification number of
Transferee:

NOTE. The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

NOTICE: TRANSFER FEES MUST BE PAID TO THE REGISTRAR IN ORDER TO TRANSFER OR EXCHANGE THIS BOND AS PROVIDED IN THE WITHIN-MENTIONED ORDINANCE.

(End of Form of Assignment for Bonds)

SECTION 25. **Use of Bond Proceeds.** Upon the issuance of the Bonds, the Treasurer shall cause the proceeds of the Bonds to be applied as follows:

A. First, pursuant to § 350.648, Bond Act, the proceeds received from the sale of the Bonds as accrued interest on the Bonds, if not needed to defray the cost of the Project, shall be deposited into the Medium-Term Debt Service Fund, hereinafter created.

B. The balance of the proceeds received from the sale of the Bonds shall be deposited into a special account hereby created and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds, Series 2003, Construction Account" (the "Construction Account") to be held by the City. Moneys in the Construction Account shall be used solely to defray wholly or in part the cost of the Project including, without limitation, as provided in § 350.516, Bond Act, all costs of issuing the Bonds, and the costs of rebates to the United States under § 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which the Council hereby determines are necessary and desirable and pertain to the Project. After the Project is complete and after all expenses have been paid or adequate provision therefor is made, pursuant to § 350.650 Bond Act, any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Construction Account shall be deposited into the Medium-Term Debt Service Fund hereinafter created to be used to pay the principal of and interest on the Bonds.

SECTION 26. **Use of Investment Gain.** Pursuant to § 350.658, any gain from any investment and any reinvestment of any proceeds of the Bonds, if needed to defray the cost of the Project, shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Construction Account, and if not needed to defray the cost of the Project, shall be deposited promptly into the Medium-Term Debt Service Fund, hereinafter created, for the respective payment of the principal of or interest on the Bonds or any combination thereof. As provided in § 35 hereof, any annual General Taxes for the payment of the principal of or interest on the Bonds levied after such deposits of any such investment or reinvestment gain, may be diminished to the extent of the availability of such deposit for the payment of such principal or interest.

SECTION 27. **Completion of Project.** The City, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project without delay and with due diligence to the best of the City's ability, as hereinabove provided.

SECTION 28. **Prevention of Bond Default.** Subject to the provisions of §§ 31 and 35 hereof, the Treasurer shall use any Bond proceeds credited to the Construction Account, without further order or warrant, to pay the Bond Requirements of the Bonds as the same become due whenever and to the extent moneys otherwise available therefor are insufficient for that purpose, unless such Bond proceeds shall be needed to defray obligations accrued and to accrue under any contracts then existing and relating to the Project. The Treasurer shall promptly notify the Council of any such use.

SECTION 29. **Purchaser Not Responsible.** The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. The Purchaser, any associate thereof, and any subsequent owner of any Bond shall in no manner be responsible for the application or disposal by the City or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys herein designated.

SECTION 30. **General Tax Levies.** Pursuant to § 350.596, Bond Act, any sums coming due on the Bonds at any time when there are not on hand in the Medium-Term Debt Service Fund sufficient funds to pay same shall be promptly paid when due out of the Construction Account or out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes legally available therefor. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Bond Requirements, there is hereby created a separate account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds, Series 2003, Medium-Term Debt Service Fund" (the "Medium-Term Debt Service Fund"). Pursuant to §§ 350.592 and 350.594, Bond Act, and §§ 350.093 and 350.095 of the Act, except to the extent other funds are legally available therefor, there shall be duly levied immediately after the issuance of the Bonds and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installment of interest, and to pay the interest on the Bonds becoming due after such initial installment, and to pay and retire the Bonds as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to the Medium-Term Debt Service Fund for the payment of such Bond Requirements. In the

preparation of the annual budget or appropriation resolution or ordinance for the City, the Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitation imposed by NRS §§ 354.59811, 354.59813, 354.59815, 354.5982 and 361.453, and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all such revenues received by the City.

SECTION 31. **Priorities for Bonds.** In any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS § 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitations of NRS §§ 361.453, 354.59811, 354.59813 and 354.5982.

SECTION 32. **Correlation of Levies.** Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Medium-Term Debt Service Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 33 **Use of General Fund.** Any sums becoming due on the Bonds at any time when there are on hand from such General Taxes (and any other legally available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to § 350.596, Bond Act.

SECTION 34. **Use of Other Funds.** Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, mature, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to § 350.598, Bond Act.

SECTION 35. **Legislative Duties.** In accordance with § 350.592, Bond Act, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes, when collected shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore specified.

SECTION 36. **Appropriation of General Taxes.** In accordance with § 350.602, Bond Act, there is hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements the Bonds have been wholly paid or provided for.

SECTION 37. **Protective Covenants.** The City covenants and agrees with each and every owner from time to time of the Bonds, that:

- A. The Project shall be completed without delay; and
- B. The City will make the principal and interest payments on the Bonds at the place, on the date, and in the manner specified according to the true intent and meaning hereof.

SECTION 38. **Tax Covenant.** The City covenants for the benefit of the owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under § 103 of the Tax Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in § 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under § 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

SECTION 39. **Defeasance.** When all Bond Requirements of any Bond has been duly paid, the pledge, the lien, and all obligations hereunder shall thereby be discharged as to

that Bond and the Bond shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by the United States ("Federal Securities") in which such amount may be initially invested wholly or in part) to meet all Bond Requirements of the Bond, as the same become due. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof.

SECTION 40. **Continuing Disclosure Undertaking.** The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the Clerk and is hereby authorized to be executed by the Treasurer and delivered in connection with the delivery of the Bonds.

SECTION 41. **Replacement of Registrar or Paying Agent.** If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall reasonably determine that it is in the best interests of the City to replace said Registrar or Paying Agent, the Council may, upon notice mailed to each owner of any Bond at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent.

SECTION 42. **Delegated Powers.** The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

- A. The printing of the Bonds, including, without limitation, and if appropriate, a statement of insurance, if any;
- B. The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia,

- (1) the signing of the Bonds and the Depository Trust Company Letter of Representations,
- (2) the tenure and identity the officials of the City,
- (3) the assessed valuation of the taxable property in and the indebtedness of the City,
- (4) the rate of General Taxes levied against taxable property in the City,
- (5) the exclusion from gross income for federal income tax purposes of interest on the Bonds,
- (6) the delivery of the Bonds and the receipt of the Bond purchase price,
- (7) the accuracy and completeness of any information provided in connection with the Bonds, including information contained in the preliminary and final official statements for the Bonds,
- (8) if it is in accordance with the fact, the absence of litigation, pending or threatened, affecting the validity of the Bonds; and

C The assembly and dissemination of financial and other information concerning the City and the Bonds.

SECTION 43. **Ordinance Irrepealable.** After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the owner or owners of the Bonds, and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 44. **Implied Repealer.** All ordinances, resolution bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolutions, bylaw or order, or part hereof, heretofore repealed.

SECTION 45. **Publication of Proposed Ordinance.** When first proposed, this Ordinance must be read to the Council by title and referred to a committee for consideration, after which an adequate number of copies of this Ordinance must be deposited with the City

Clerk for public examination and distribution upon request. Notice of the deposit must be published once in a newspaper printed and published in the City at least 10 days before the adoption of the ordinance, such publication to be in substantially the following form:

(Form for Publication of Notice of Deposit of an Ordinance)

BILL NO. _____

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2003 MEDIUM-TERM RECREATION BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM RECREATION BONDS, SERIES 2003, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING RECREATION PROJECTS FOR THE CITY; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on October 1, 2003, and will be considered for adoption at a regular meeting of the City Council of the City of Las Vegas on October 15, 2003.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form for Publication)

Section 46. **Effective Date.** This Ordinance shall be in effect on the day after its publication as hereinafter provided, and after this Ordinance is signed by the Mayor and attested by the Clerk, this Ordinance shall be published by title only, together with the names of the council members voting for or against its passage, such publication to be made in the Las Vegas Review Journal, a newspaper printed, published and of general circulation in the City, pursuant to the provisions of Section 2.110 of the Charter, such publication to be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

**BILL NO.
ORDINANCE NO.
(of the City of Las Vegas, Nevada)**

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2003 MEDIUM-TERM RECREATION BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM RECREATION BONDS, SERIES 2003, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING RECREATION PROJECTS FOR THE CITY; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on October 1, 2003, and was passed and adopted at a meeting held on October 15, 2003, by the following vote of the City Council:

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

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after the ____ day of October, 2003, i.e., the day after the publication of such Ordinance by its 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.

DATED this October 15, 2003.

Attest:

/s/ Oscar Goodman
Mayor

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

SECTION 47. Severability. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this Ordinance.

Adopted October 15, 2003.

(SEAL)

Attest:

Mayor

City Clerk

STATE OF NEVADA)
)
COUNTY OF CLARK) ss.
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen and qualified City Clerk of Las Vegas (the "City"), 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 Council on October 1, 2003 and finally adopted and approved on October 15, 2003.

2. The following members of the Council were present at the October 1, 2003 Council meeting:

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

Those Absent: _____

3. The foregoing Ordinance was first proposed and read by title to the City Council on October 1, 2003, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on October 15, 2003, which was a regular meeting of said 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 Goodman
	Larry Brown
	Lynette Boggs-McDonald
	Michael Mack
	Janet Moncrief
	Gary Reese
	Lawrence Weekly

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 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 Council were given due and proper notice of the meetings held on October 1, 2003 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 working days before the meetings at the principal office of the 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 Council, to wit:

- (i) City Hall
Las Vegas, Nevada
- (ii) Senior Citizens Center
Las Vegas, Nevada
- (iii) Clark County Government Center
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 working days before the meetings to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. A copy of such notice so given of the meeting of the Council on October 1, 2003 is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the 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.

(SEAL)

City Clerk

EXHIBIT A

(Attach Copy of Notice of October 1, 2003 Meeting)

EXHIBIT B

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

EXHIBIT C

(Attach Affidavit of Publication of Notice of Deposit of the Bond Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Bond Ordinance)

G:\WP\DOCS\02204\120 2003 Med Term Rec Bonds\BONDORD.DOC



KENNY C GUINN
Governor

BARBARA SMITH CAMPBELL
Chair, Nevada Tax Commission

CHARLES E CHINNOCK
Executive Director

STATE OF NEVADA
DEPARTMENT OF TAXATION

1550 E College Parkway
Suite 115
Carson City, Nevada 89706-7937

Phone: (775) 687-4820 • Fax: (775) 687-5981

In-State Toll Free: 800-992-0900

Web Site: <http://tax.state.nv.us>

LAS VEGAS OFFICE
Grant Sawyer Office Building
Suite 1300
555 E Washington Avenue
Las Vegas, Nevada 89101
Phone (702) 486-2300
Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building O, Suite 263
Reno, Nevada 89502
Phone (775) 688-1295
Fax: (775) 688-1303

September 25, 2003

Mr. Mark R. Vincent, Director
Finance and Business Services
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Re: Medium-Term Obligation Request

Dear Mr. Vincent:

The request by the City Council of the City of Las Vegas for approval of a medium-term obligation has been received. The purpose of the obligation is to finance the purpose of acquiring, improving, and equipping a recreational project for the City, in an amount not to exceed \$20,000,000.00. The request has been reviewed as required by NRS 350.089 and is **approved**.

Pursuant to NRS 350.089, the approval must be recorded in the minutes of the governing board. You are reminded the financing must be secured within eighteen months of receipt of this approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Chinnock".

Charles E Chinnock
Executive Director

CEC: wra

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT **DISCUSSION**

SUBJECT:

NEW BILL

Bill No. 2003-82 – Establishes a traffic signal impact fee program for the City pursuant to State law. Proposed by: Richard D. Goecke, Director of Public Works

Fiscal Impact

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

This bill will establish a traffic signal impact fee program as authorized by State law. Under the program, new development will contribute moneys to help fund the installation of traffic signals. The contribution in each case will be in accordance with a fee schedule to be adopted by the City Council. Fee amounts will correspond to the land use assumptions and capital improvements plan that have been adopted by the Council.

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. 2003-82

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-82 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 stated this bill involves another step the City has been taking recently as part of the land-use assumptions adopted in order to impose impact fees. A capital improvement plan was adopted as well. This ordinance establishes the mechanism by which traffic signal impact fees will be calculated and imposed on new development, which will be put into effect by Council resolution. The resolution will follow adoption of this ordinance by the Council. He recommended approval.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 2 – Bill No. 2003-82

MINUTES – Continued:

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:03 – 4:04)

1-42

1 **BILL NO. 2003-82**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH A TRAFFIC SIGNAL IMPACT FEE PROGRAM FOR THE
4 CITY PURSUANT TO STATE LAW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Richard D. Goecke, Director of Public Works Summary: Establishes a traffic signal impact fee
6 program for the City pursuant to State law.

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

9 SECTION 1: Title 4 of the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, is hereby amended by adding thereto a new chapter, consisting of the provisions set forth as
11 Sections 2 to 15, inclusive, of this Ordinance.

12 SECTION 2: (A) This Chapter may be known and cited as the "Traffic Signal
13 Impact Fee Ordinance," and is referred to herein as "this Chapter." This Chapter is adopted under the
14 authority of NRS Chapter 278B and shall be interpreted in accordance therewith. The provisions of
15 this Chapter shall apply to all territory within the corporate limits of the City.

16 SECTION 3: It is the intent of the City Council to:

17 (A) Provide for the imposition and collection of a traffic signal impact fee upon all
18 new development within the City to better accommodate orderly development of the land, reduce
19 existing congestion, facilitate rapid traffic movement, and provide for anticipated future traffic needs;
20 and

21 (B) Ensure that new development contribute its proportionate share of the cost of
22 capital expenditures necessary to provide traffic signal system improvements that have a nexus to that
23 development.

24 SECTION 4: The City Council hereby finds as follows:

25 (A) That traffic signals throughout the City are installed when warranted in
26 accordance with the Manual on Uniform Traffic Control Devices. It is therefore appropriate to treat
27 the City as a single service area for the purposes of calculating, collecting, and spending the traffic
28 signal impact fees as set forth in this Chapter.

1 (B) That if and when impact fees are established in the future for improvements
2 other than traffic signals, it may be appropriate to divide the City into multiple service areas, each
3 served by a separate fund.

4 SECTION 5: For purposes of interpreting this Chapter, certain words used herein are
5 defined as follows:

6 "Applicant" means the person applying for a building permit from the City.

7 "Impact Fee Administrator" or "Administrator" means the Director of Public Works or the
8 Director's designee.

9 "Impact Fee" means the traffic signal impact fee authorized and imposed by this Chapter.

10 "Impact Fee CIP" means the 2003-2013 Capital Improvements Plan for Traffic Signal Impact
11 Fees, as adopted by the City and as amended or replaced from time to time.

12 "Manual on Uniform Traffic Control Devices" means the manual of that name, in the version
13 that has been adopted by the Nevada Department of Transportation pursuant to NRS 484.781 and
14 Section 408.411 of the Nevada Administrative Code.

15 "Traffic signal system improvements" means the installation of traffic signals at intersections
16 identified in the Impact Fee CIP as intersections for potential signalization or intersections where
17 signals are under design or construction. Traffic signal system improvements also include intersection
18 improvements in excess of minimum standards for a non-signalized intersection that represent partial
19 completion of improvements needed for later signalization. The components of a typical traffic signal
20 system improvement include without limitation the following: four Type "L" or "M" foundations
21 (type dependent on mast arm length); four signal poles, either Type XX-A or Type XX-B, with 400
22 watt luminaries; four mast arms ranging from 25 to 65 feet long; one controller foundation, one
23 controller cabinet; one 2070 controller; one service pedestal; four street name signs (internally
24 illuminated); twelve M-2 signal head assemblies; four M-5 signal head assemblies; four B-14T signal
25 head assemblies; four B1-T signal head assemblies; eight pedestrian signal head assemblies; eight
26 audible/tactile pedestrian push buttons; one #7 traffic signal pull box; five #5 traffic signal pull boxes;
27 seven P-30 fiber optic interconnect pull boxes; 1,200 linear feet of 3" traffic signal conduit; 2,700
28 linear feet of 3" to 4" interconnect conduit and fiber optic cable; a minimum of one fiber optic splice

1 enclosure; one self healing optical transceiver; one video detection processor with four cameras; one
2 emergency vehicle opticom preemption system; 700 linear feet of 25 conductor signal cable; signage
3 and polymer pavement markings; and 1,200 square feet of tack-on median island. The term “traffic
4 signal system improvements” includes improvements that are constructed in phases. For example,
5 a six-lane road may be initially striped for four lanes, with the initial signal improvements
6 corresponding to four lanes subsequently being upgraded to accommodate six lanes when the road is
7 ultimately striped for six lanes.

8 SECTION 6: An impact fee is hereby imposed upon new development within the
9 City in accordance with the provisions of this Chapter. The impact fee for particular development
10 shall be determined and paid at the time of issuance of a building permit for the development. The
11 applicant for a building permit shall be responsible for paying the impact fee.

12 SECTION 7: (A) The following shall be exempt from payment of the impact fee
13 imposed by this Chapter:

14 (1) The alteration of an existing dwelling unit where no additional dwelling
15 units are created.

16 (2) The replacement of a destroyed, partially destroyed or moved residential
17 structure with a new structure for the same use, with no increase in the number of dwelling units.

18 (3) The replacement of a destroyed, partially destroyed or moved
19 nonresidential structure with a new structure for the same use, with no increase in gross floor area.

20 (4) Any development for which a completed application for a building
21 permit was submitted prior to the effective date of this Chapter, provided that the construction
22 proceeds according to the provisions of the permit and the permit does not expire prior to the
23 completion of the construction.

24 (5) Any development that is subject to an approved master plan and a
25 developer agreement that provides for developer funding of all signalization improvements within the
26 master plan area.

27 (B) An exemption must be claimed at the time of application for a building permit.
28 The Impact Fee Administrator shall determine the validity of any claim for exemption that is made

1 pursuant to this Section.

2 (C) In order to promote the economic development of the City or the public health,
3 safety, and general welfare of its residents, the City Council may agree to pay some or all of the
4 impact fees imposed on a proposed development or redevelopment from other funds of the City that
5 are available for that purpose. Any such decision to pay impact fees on behalf of an applicant shall
6 be at the discretion of the City Council and shall be made pursuant to goals and objectives articulated
7 by the City Council.

8 SECTION 8: (A) Except as otherwise provided in Section 7 of this Ordinance, the
9 applicant for a building permit for new development shall pay a traffic signal impact fee in accordance
10 with a fee schedule that has been duly adopted by the City, as the schedule may be amended from time
11 to time. If any credit is due an applicant pursuant to Section 11 of this Ordinance, the amount of the
12 credit shall be deducted from the fee to be paid.

13 (B) If the type of development for which a building permit is requested is not
14 specified on the fee schedule adopted pursuant to this Section, the Impact Fee Administrator shall
15 determine the fee on the basis of the fee applicable to the most nearly comparable type of land use that
16 is listed on the fee schedule. The Administrator shall be guided in the selection of a comparable type
17 of land use by trip generation rates contained in the most current edition of the report titled Trip
18 Generation, prepared by the Institute of Transportation Engineers (ITE), or upon data or reports
19 appearing in the ITE Journal.

20 (C) In general, the impact fee imposed pursuant to this Chapter is assessed based
21 on the primary land use. In many instances, a lot or parcel of land may include auxiliary uses
22 associated with the primary land use. For example, in addition to the actual production of goods,
23 manufacturing facilities usually also have office, warehouse, research, and other associated functions.
24 If the applicant can document that a secondary land use accounts for over twenty-five percent of the
25 gross floor area of the structure, and that the secondary use is not assumed in the trip generation or
26 other impact data for the primary use, the impact fee may be assessed based on the disaggregated
27 square footage of the primary and secondary land use.

28 (D) If the type of development for which a building permit is requested is for a

1 change of land use type or for the expansion, redevelopment, or modification of an existing
2 development, the fee shall be based on the net increase in the fee for the new land use type or
3 development as compared to the previous land use type or development.

4 (E) In the event that the proposed change of land use type, redevelopment, or
5 modification results in a net decrease in the fee for the new use or development as compared to the
6 previous use or development, there shall be no refund of impact fees previously paid.

7 SECTION 9: (A) There is created a Traffic Signal Impact Fee fund (the "fund")
8 that is distinct from the general fund of the City. Impact fees received by the City must be deposited
9 in the fund, which shall be an interest-bearing fund.

10 (B) The fund shall contain only those impact fees that have been collected pursuant
11 to this Chapter, plus any interest which may accrue from time to time.

12 (C) Monies in the fund shall be considered to be spent in the order collected, on a
13 first-in/first-out basis.

14 (D) Monies in the fund shall be used only for the following:

15 (1) To pay for traffic signal system improvements;

16 (2) To pay debt service on any portion of any current or future general
17 obligation bond or revenue bond issued after the effective date of this Chapter and used to finance
18 traffic signal system improvements;

19 (3) To pay refunds, as described in Section 10 of this Ordinance; or

20 (4) To be used as credits against impact fees, as described in Section 11 of
21 this Ordinance.

22 (E) Monies in the fund shall not be used for the following:

23 (1) The acquisition of land or rights-of-way;

24 (2) The repair, operation or maintenance of existing or new traffic signals;

25 (3) Administrative or operating costs of the City;

26 (4) Debt service for any past general obligation bond or revenue bond
27 issued prior to the effective date of this Chapter, or any portion of any current of future bond issued
28 after the effective date of this Chapter and not used to finance traffic signal system improvements;

1 (5) The replacement of existing traffic signals to provide better service to
2 existing development or to meet more stringent safety, environmental or regulatory standards.

3 (F) Traffic signal system improvements eligible for the expenditure of impact fees
4 under this Chapter shall be limited to projects identified in the Impact Fee CIP as:

5 (1) Intersections for potential signalization; or

6 (2) Intersections where signals are under design or construction.

7 SECTION 10: (A) Any impact fee amount that has been collected from an applicant
8 but has not been spent within five years after the date on which it was collected is subject to being
9 refunded in accordance with the provisions of this Section. Any refund so paid shall also include
10 interest accruing from the date the fee was collected. In determining whether or not impact fees have
11 been spent for purposes of this Subsection (A), the provisions of Subsection (C) of Section 9 shall
12 apply.

13 (B) Written notice of the right to a refund, including the amount of the refund and
14 the procedure for applying for and receiving the refund, shall be sent or delivered to the present
15 owners of the property concerning which a refund is due within thirty days after the date the refund
16 becomes payable. Notice is sufficient if sent by regular mail to all present record owners of the
17 property.

18 (C) If an applicant has paid an impact fee required by this Chapter and the building
19 permit later expires without the possibility of further extension, and the development activity for
20 which the impact fee was imposed did not occur and no impact has resulted, the applicant who paid
21 the fee shall be entitled to a refund of the fee paid, without interest. In order to be eligible to receive
22 such refund, the applicant who paid the fee shall be required to submit an application for refund within
23 thirty days after the expiration of the permit or extension for which the fee was paid.

24 (D) At the time of payment of any impact fee under this Chapter, the Impact Fee
25 Administrator shall provide written notice to the applicant paying the fee of the circumstances under
26 which a refund of fees may be made. Failure to deliver the written notice shall not invalidate any
27 collection of any impact fee under this Chapter.

28 (E) Refunds must be paid to the record owner of the property at the time the refund

1 is paid. If the City paid the impact fee, the refund must be paid to the City.

2 SECTION 11: (A) As described in this Section, the City shall provide credit against
3 the impact fees imposed by this Chapter for contributions toward the cost of traffic signal system
4 improvements that have been made or will be made as a condition of development approval. No such
5 credit shall be available for the dedication of right-of-way, given that no right-of-way costs are
6 included in the calculation of the impact fee. In addition, no such credit shall be available for
7 improvements to the traffic signal system that primarily serve traffic generated by the applicant's
8 project, such as traffic signals that are installed to control access into and out of the project. Approved
9 credits for traffic signal system improvements shall generally become effective when the
10 improvements have been completed and have been accepted by the City.

11 (B) In order for a particular development or property to qualify for an impact fee
12 credit for traffic signal system improvements, the developer must:

13 (1) Submit complete engineering drawings, specifications, and construction
14 cost estimates to the Impact Fee Administrator. In most case, the Administrator will base the amount
15 of credit on the costs of typical traffic signal component costs: interconnect conduit; upgraded pole
16 foundations; upgraded poles; intersection conduit; intersection upgrade (signal heads, cameras,
17 markings, etc.), as those costs may be set forth by a resolution duly adopted by the City Council. In
18 the event these component costs are not applicable, the Administrator shall determine the amount of
19 credit due based upon the information submitted, or where such information is inaccurate or
20 unreliable, upon alternative engineering or construction costs acceptable to the Administrator; and

21 (2) Enter into an agreement with the City that specifies:
22 (a) The amount of the credit;
23 (b) How the credit will be allocated within the development; and
24 (c) Whether and how the developer will be reimbursed for any
25 excess credit beyond the impact fees that would otherwise be due from the development.

26 (C) The right to claim impact fee credits regarding particular property runs with the
27 land and may be claimed only by owners of property within the development for which land was
28 dedicated or improvements made. Credits issued for a particular development shall not be transferable

1 to another development.

2 (D) In the event that development for which credits have been issued is sold to
3 different owners, the credits usable by each new owner shall be calculated in terms of a percentage
4 of the impact fees that would otherwise be due from the entire development. If the total amount of
5 development is not known, the maximum potential development under existing development
6 regulations shall be assumed. This percentage reduction will be applied to all impact fees assessed
7 within the development until the total amount of the credits is exhausted or the development is
8 completed, whichever occurs first. In the event that the impact fee schedule is amended to increase
9 the fees prior to completion of the development, the percentage reduction shall be applied only to the
10 impact fees that were in place at the time the credits were issued, and the adjusted impact fee to be
11 charged shall be the sum of the reduced original impact fee plus the amount by which the fees were
12 increased.

13 (E) Credits provided pursuant to this Chapter shall be valid from the effective date
14 of the credits until five years after that date or until the last date of construction within the
15 development or project for which the credits were issued, whichever occurs first.

16 (F) Applicants may also obtain credits for traffic signal system improvements
17 completed prior to the effective date of this Chapter, and may use such credits to reduce the impact
18 fees due after that date for traffic signal system improvements within the same development for which
19 the credits were issued. Application for such credits must be made, on forms provided by the City,
20 within two years after the effective date of this Chapter. In the event that the development for which
21 the credits are claimed is partially completed, the amount of the credits shall be reduced by the amount
22 of the impact fees for traffic signal system improvements that would have been charged for the
23 completed portion of the development had this chapter been in effect. In the event that the
24 development project has been fully completed, no credits shall be issued.

25 SECTION 12: (A) The City Council shall review, and may revise the land use
26 assumptions and Impact Fee CIP at least once every three years. The three-year period begins upon
27 the date the City Council adopts the Impact Fee CIP.

28 (B) Upon the completion of any revision of the land use assumptions and Impact

1 Fee CIP, the City Council shall conduct a public hearing and give public notice in accordance with
2 NRS 278B.290.

3 (C) The City Council shall approve or disapprove the adoption of any revised land
4 use assumptions and Impact Fee CIP within thirty days after the public hearing.

5 SECTION 13: (A) Nothing in this Chapter restricts the City from requiring the
6 construction of reasonable project improvements required to serve a development project, whether or
7 not the improvements are of a type for which credits are available under Section 11 of this Ordinance.

8 (B) The Impact Fee Administrator shall maintain accurate records of the impact fees
9 paid, including the name of the person paying fees, the project for which the fees were paid, the date
10 of payment of each fee, the amounts received in payment for each fee, and any other matters that the
11 City deems appropriate or necessary to the accurate accounting of such fees. Records shall be
12 available for review by the public during normal business hours and upon reasonable advance notice.

13 (C) Upon request by the City Council, the Impact Fee Administrator shall present
14 to the City Council a proposed capital improvements program that assigns monies from the impact
15 fee fund to specific projects and related expenses for eligible traffic signal system improvements. Any
16 monies, including any accrued interest, not assigned to specific projects within the capital
17 improvements program and not expended pursuant to Section 10 or Section 11 of this Ordinance shall
18 be retained in the impact fee fund until the next fiscal year.

19 (D) If an impact fee has been calculated and paid based on a mistake or
20 misrepresentation, it shall be recalculated and an adjustment made as follows:

21 (1) Any amounts overpaid by an applicant shall be refunded to the
22 applicant, together with interest accruing from the date of overpayment, within thirty days after the
23 recalculated amount has been established.

24 (2) Any amounts underpaid by an applicant shall be paid to the Impact Fee
25 Administrator, together with interest accruing from the date of underpayment, within thirty days after
26 the recalculated amount has been established. In the case of an underpayment, the City may withhold
27 additional permits or approvals for the project for which the impact fee was previously underpaid until
28 the underpayment is corrected. If amounts owed to the City are not paid within the thirty-day period,

1 the City may also rescind any permits issued in reliance on the previous payment of the impact fee.

2 SECTION 14: Any determination made by the Impact Fee Administrator pursuant to
3 this Chapter may be appealed to the City Council by filing a written appeal with the City Clerk within
4 thirty days after the date of the determination.

5 SECTION 15: It is unlawful to knowingly provide to the City false information on any
6 matter relating to the administration of this Chapter, including without limitation false information
7 regarding the expected size, use, or impacts of a proposed development.

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

16 SECTION 17: Whenever in this ordinance any act is prohibited or is made or declared
17 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
18 required or the failure to do any act is made or declared to be unlawful or an offense or a
19 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
20 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
21 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
22 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

23 SECTION 18: All ordinances or parts of ordinances or sections, subsections, phrases,

24 ...
25 ...
26 ...
27 ...
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
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:
17 _____
18 BARBARA JO RONEMUS, City Clerk
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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - 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 TABLED.
COUNCILMAN WEEKLY concurred.**

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, deferred this matter to DEPUTY CITY ATTORNEY LARRY BETTIS, who indicated that this bill primarily defines transient lodging, which is required by state statute. The City currently does not have a definition. This bill incorporates that definition for both the room tax and the licensing tax provisions of the City Code.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 3 – Bill No. 2003-82

MINUTES – Continued:

DEPUTY CITY ATTORNEY BETTIS then stated that meetings have been held with the industry, and then began to discuss some of the proposed changes to the definition. However, because there was some confusion regarding those changes, COUNCILMAN WEEKLY suggested this matter be held until staff has met with the industry to clarify the changes, because he perceived that there were still a lot of inquiries. DEPUTY CITY MANAGER HOUCHEMS suggested tabling this matter until staff is ready to bring the amended version back for consideration. COUNCILMAN WEEKLY reiterated that further discussion is necessary between the industry, City Attorney staff, DEPUTY CITY MANAGER HOUCHEMS, and MR. VINCENT and his staff.

TOM SKANCKE, The Skancke Company, interjected that it would be a good idea to schedule a workshop. Other matters have been handled in this manner and have worked out very well.

TODD FARLOW, 240 N. 19th Street, opined that what is lacking is a clear explanation of why these changes are necessary. One of the main causes for this is that transients create more crime and demand on the police service. The \$1 million budget increase agreement with the Las Vegas Metropolitan Police Department has to be made up in this budget. The true reason behind this change should be made public.

VON HENNER, President and CEO of Nevada Hotel and Lodging Association and Commissioner of Tourism of Nevada, said that he was made aware of this bill that day. He is truly concerned because he represents over 100 hotels and casinos. In looking at the structure of room tax, it is a far-reaching decision that transcends the changes being proposed. He requested to be included in the meetings.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:05 – 4:20)

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

8 Summary: Includes time-share projects,
9 hotels, motels, bed and breakfast
10 establishments, lodging houses, apartment
11 hotels, apartment houses, recreational vehicle
12 parks and campground establishments within
13 the transient lodging room rent tax provisions
14 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

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

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

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

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

(3) Any combination of those uses.

4.20.020: 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:

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

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

“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:
 - - Television services, including separate charges for pay-per-view movies;
 - - Audio/visual cassettes, VCR tapes, CD’s, DVD’s, and video games, and their players and accessories;
 - - Telecommunications facilities and accessories;
 - - Computer or e-mail modem facilities and accessories;
 - - 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.

That portion of the South Half (S1/2) of Section 27 and the North Half (N1/2) of

1 Section 34, Township 20 South, Range 61 East, M.D.M., in the City of Las Vegas,
2 County of Clark, State of Nevada, bounded as follows:

3 Bounded on the North by the Southerly line of PARCEL NO. 420 G as vested in
4 the STATE OF NEVADA by that certain FINAL ORDER OF CONDEMNATION
5 recorded September 11, 1968 as Document No. 721652 of Clark County, Nevada
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 license, 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 C. 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:

13
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: OCTOBER 13, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2003-77 – Amends childcare 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 11/3/2003 Recommending Committee meeting. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

JIM DiFIORE, Manager, Business Services, reported that after the last Recommending Committee meeting he held a meeting regarding some of the concerns raised by CLAY STRINGHAM, Director of Development, Challenger School, and also met with MR. STRINGHAM twice. Some of the issues have been resolved, but there are two major issues remaining, about which he would like to contact the State Board of Child Care to obtain an answer. He requested this matter be held until the November 3, 2003, Recommending Committee

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 4 – Bill No. 2003-77

MINUTES – Continued:

meeting. COUNCILMAN WEEKLY appreciated MR. DiFIORE'S due diligence on this matter and working with those individuals from the childcare industry that have concerns. MR. STRINGHAM said that MR. DiFIORE and his staff have been very helpful and accommodating.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:20 – 4:22)

1-545

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BILL NO. 2003-77

ORDINANCE NO. _____

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

Proposed by: Mark Vincent,
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.

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

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

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

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

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

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

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

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

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

(b) A home in which the only children received, cared for and maintained 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, [tht] 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 _____
24 BARBARA JO RONEMUS, City Clerk

25 APPROVED AS TO FORM:
26 _____
27 _____
28 _____
Date 9-4-03

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
13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

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16 BARBARA JO RONEMUS, City Clerk
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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-78 – Establishes locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill is intended to establish locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Such uses will have to be at least one thousand feet from any other such use and at least two hundred feet from residential properties.

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. 2003-78

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-78 be TABLED.

COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, advised that recently the Council passed the first iteration of a bill to regulate these types of uses. One aspect that was removed from that bill is any form of distance separation. Since that time Planning has received a number of applications for these types of uses, where the issue has been the distance separation from similar uses of the same type. Essentially, this is the second attempt at drafting an ordinance dealing with that particular issue.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 5 – Bill No. 2003-78

MINUTES – Continued:

As proposed, these uses shall not be located closer than 200 feet from any parcel zoned for a residential use, nor can they be located within 1,000 feet of each other. These distances could be waived at the discretion of the City Council through the Special Use Permit process.

Moreover, as written, this bill is very similar to the ordinance the Council adopted on how to measure distance separation. It makes provision for parcels within a commercial subdivision that are fully self-contained where the use is on a pad site that has its own access and meets all the parking requirements for that particular use. In that case the distance separation measurement would be taken from the boundary line of that particular parcel, as opposed to the boundary line of the commercial subdivision. The distances being proposed are the same as those currently in place in Clark County. Staff recommends approval.

ATTORNEY PAUL LARSEN, Lionel, Sawyer, and Collins, pointed out that this bill does not include a waiver provision. MR. GENZER replied that Title 19 allows for waivers, unless marked with an asterisk, which are not included in this bill in terms of distance separation. ATTORNEY LARSEN questioned the standards. MR. GENZER indicated that there are no standards. It is purely at the Council's discretion.

COUNCILMAN WEEKLY indicated that his concerns apply to those companies in this type of industry that are not scrupulous. There are some companies that are very reputable and provide professional services for those that need them. But there are some individuals, especially in Wards 1, 3, and 5, who do not care about the aesthetics of their buildings and take advantage of the people that are barely making ends meet. It is unfortunate that this issue has not been resolved yet. Perhaps there is a happy medium that can be reached to protect these wards. Everybody has the right to a piece of the American pie, but there has to be some regard for those individuals that use these services and the surrounding neighborhoods. He is not against these types of businesses; he just wants decent businesses for the constituents he represents.

ATTORNEY LARSEN appreciated COUNCILMAN WEEKLY'S concerns. He indicated a willingness to work with the Council on an alternate ordinance that would require some sort of capital investment, in terms of mandating specific size and parking requirements, that would lead to the types of desired businesses, as opposed to fly-by-night operators that come in and set up shop. This proposed ordinance protects those people that are already in business, with the exception of obtaining a waiver of the distance requirements for an additional similar business. He requested this bill be tabled to allow the industry to meet.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 5 – Bill No. 2003-78

MINUTES – Continued:

MIKE McNIGHT, Rapid Cash, concurred that a compromise is necessary, because there are some companies that give the reputable ones a bad name. He is willing to work with staff. ERIC GOODMAN agreed with tabling this matter.

JAY BROWN, representing JIM MARCHESI of Check City, who was also present, said that one of the concerns is that enacting this ordinance would reinforce those businesses that cause concern. If the reputable businesses are allowed to compete, the undesirable operations are going to go out of business.

COUNCILWOMAN MONCRIEF persisted that this industry has to be controlled. She has so many constituents complaining constantly about the tawdry-looking facilities that are ruining Ward 1, especially the gorgeous Spanish Oaks area. She would greatly appreciate an ordinance to address this problem.

MR. MARCHESI presented pictures, which were not submitted for the record, depicting the type of businesses he operates. This ordinance would preclude him from building a store that would make the City proud. He noted that the people that seek his services are not of low-income. Their average income is about \$45,000 a year and all have a bank account. The free market will take care of pushing out the non-reputable companies.

COUNCILWOMAN MONCRIEF questioned how the rates are established. MR. MARCHESI answered that the state controls the loan amount and the length. The market drives the rates.

NANCY STEWART requested to meet further in order to come up with some standards.

TODD FARLOW, 240 N. 19th Street, commented that he wants to get rid of the predators and retain the reputable businesses.

AL GALLEGO, citizen of Las Vegas, requested a moratorium be placed on this industry until the final ordinance is adopted. In some neighborhoods these types of businesses are right next door to each other. He does not like the thought of people living paycheck to paycheck and getting deeper into debt.

COUNCILMAN WEEKLY interjected that COUNCILMAN McDONALD tried very hard to address this issue, but he could not find a middle ground. COUNCILMAN WEEKLY urged MR. GENZER and his staff to work with the industry and assist in finding a happy medium. MR. GENZER indicated that there is some urgency in resolving this matter because applications are continually being submitted. He will get together with MR. LARSEN and hopefully they can come back in 30 days with a solution.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 5 – Bill No 2003-78

MINUTES – Continued:

COUNCILWOMAN MONCRIEF asked if the County passed a similar ordinance. MARGO WHEELER, Deputy Director, Planning and Development, indicated that the distance requirement in this ordinance is the same as in the current County ordinance. MR. MARCHESI pointed out that in implementation the City and County ordinances differ. The County's is door-to-door, while the City's is property line to property line, which makes a big difference.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22 – 4:40)

1-610

1 **BILL NO. 2003-78**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH LOCATIONAL RESTRICTIONS FOR THE USES "AUTO
4 PAWN," "AUTO TITLE LOAN," AND "SPECIFIED FINANCIAL INSTITUTION," AND TO
PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Robert S. Genzer,
6 Director of Planning & Development

Summary: Establishes locational restrictions for
the uses "auto pawn," "auto title loan," and
"specified financial institution."

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

9 SECTION 1: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
11 entitled "AUTO TITLE LOAN" to read as follows:

12 AUTO TITLE LOAN [C-M, M]

- 13 1. The use shall comply with all applicable requirements of LVMC Title 6.
- 14 2. The building design and color scheme shall be subject to review by the Department to ensure
15 that it will be harmonious and compatible with the surrounding area.
- 16 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
17 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
18 purposes, or other similar devices are permitted, except that banners announcing a "grand opening"
19 or that a business is "coming soon" may be approved administratively for a period not to exceed thirty
20 days.
- 21 4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
22 windows.
- 23 5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.
- 24 6. No auto title loan use may be located closer than two hundred feet from any parcel used or
25 zoned for residential use. In addition, no auto title loan use may be located closer than one thousand
26 feet from any other auto title loan use, auto pawn use or specified financial institution use. For
27 purposes of this Paragraph (6), distances shall be measured with reference to the shortest distance
28 between two property lines, one being the property line of the proposed use that is closest to the

1 existing use to which the measurement pertains, and the other being the property line of the existing
2 use that is closest to the proposed use. Distances shall be measured in a straight line without regard
3 to intervening obstacles. For purposes of this Paragraph (6), and for that purpose only:

4 (a) The “property line” of a parcel used or zoned for residential use refers to the property
5 line of a fee interest parcel that has been created by an approved and recorded parcel map or
6 subdivision map, and does not include the property line of a leasehold parcel; and

7 (b) The “property line” of an auto title loan use, auto pawn use or specified financial
8 institution use refers to:

9 (i) The property line of a parcel that has been created by an approved and recorded
10 parcel map or commercial subdivision map; or

11 (ii) The property line of a parcel that is located within an approved and recorded
12 commercial subdivision and that has been created by a record of survey or legal description, if:

13 A. Using the property line of that parcel for the purpose of measuring the
14 distance separation referred to in this Paragraph (6) would qualify the parcel under the distance
15 separation requirement;

16 B. The auto title loan use, auto pawn use or specified financial institution
17 use has or will have direct access (both ingress and egress) from a public street. The required access
18 may be shared with a larger development but must be located within the property lines of the parcel
19 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
20 located;

21 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
22 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
23 as the use; and

24 D. The owners of all parcels within the commercial subdivision, including
25 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
26 use has been or will be located, execute and record, or have executed and recorded, an agreement
27 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
28 egress throughout the commercial subdivision.

1 SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
2 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
3 entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

4 FINANCIAL INSTITUTION, SPECIFIED [C-M, M]

5 1. The use shall comply with all applicable requirements of LVMC Title 6.

6 2. The building design and color scheme shall be subject to review by the Department to ensure
7 that it will be harmonious and compatible with the surrounding area.

8 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
9 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
10 purposes, or other similar devices are permitted, except that banners announcing a "grand opening"
11 or that a business is "coming soon" may be approved administratively for a period not to exceed thirty
12 days.

13 4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
14 windows.

15 5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

16 6. No specified financial institution use may be located closer than two hundred feet from any
17 parcel used or zoned for residential use. In addition, no specified financial institution use may be
18 located closer than one thousand feet from any other specified financial institution use, auto title loan
19 use or auto pawn use. For purposes of this Paragraph (6), distances shall be measured with reference
20 to the shortest distance between two property lines, one being the property line of the proposed use
21 that is closest to the existing use to which the measurement pertains, and the other being the property
22 line of the existing use that is closest to the proposed use. Distances shall be measured in a straight
23 line without regard to intervening obstacles. For purposes of this Paragraph (6), and for that purpose
24 only:

25 (a) The "property line" of a parcel used or zoned for residential use refers to the property
26 line of a fee interest parcel that has been created by an approved and recorded parcel map or
27 subdivision map, and does not include the property line of a leasehold parcel; and

28 (b) The "property line" of an auto title loan use, auto pawn use or specified financial

1 institution use refers to:

2 (i) The property line of a parcel that has been created by an approved and recorded
3 parcel map or commercial subdivision map; or

4 (ii) The property line of a parcel that is located within an approved and recorded
5 commercial subdivision and that has been created by a record of survey or legal description, if:

6 A. Using the property line of that parcel for the purpose of measuring the
7 distance separation referred to in this Paragraph (6) would qualify the parcel under the distance
8 separation requirement;

9 B. The auto title loan use, auto pawn use or specified financial institution
10 use has or will have direct access (both ingress and egress) from a public street. The required access
11 may be shared with a larger development but must be located within the property lines of the parcel
12 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
13 located;

14 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
15 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
16 as the use; and

17 D. The owners of all parcels within the commercial subdivision, including
18 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
19 use has been or will be located, execute and record, or have executed and recorded, an agreement
20 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
21 egress throughout the commercial subdivision.

22 SECTION 3: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
23 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
24 entitled "PAWN, AUTO" to read as follows:

25 PAWN, AUTO [M]

- 26 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
27 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
28 shall be permitted.

1 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are
2 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
3 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
4 required minimum parking.

5 4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
6 between Charleston Boulevard and Sahara Avenue.

7 5. No auto pawn use may be located closer than two hundred feet from any parcel used or zoned
8 for residential use. In addition, no auto pawn use may be located closer than one thousand feet from
9 any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this
10 Paragraph (5), distances shall be measured with reference to the shortest distance between two
11 property lines, one being the property line of the proposed use that is closest to the existing use to
12 which the measurement pertains, and the other being the property line of the existing use that is closest
13 to the proposed use. Distances shall be measured in a straight line without regard to intervening
14 obstacles. For purposes of this Paragraph (5), and for that purpose only:

15 (a) The “property line” of a parcel used or zoned for residential use refers to the property
16 line of a fee interest parcel that has been created by an approved and recorded parcel map or
17 subdivision map, and does not include the property line of a leasehold parcel; and

18 (b) The “property line” of an auto title loan use, auto pawn use or specified financial
19 institution use refers to:

20 (i) The property line of a parcel that has been created by an approved and recorded
21 parcel map or commercial subdivision map; or

22 (ii) The property line of a parcel that is located within an approved and recorded
23 commercial subdivision and that has been created by a record of survey or legal description, if:

24 A. Using the property line of that parcel for the purpose of measuring the
25 distance separation referred to in this Paragraph (5) would qualify the parcel under the distance
26 separation requirement;

27 B. The auto title loan use, auto pawn use or specified financial institution
28 use has or will have direct access (both ingress and egress) from a public street. The required access

1 may be shared with a larger development but must be located within the property lines of the parcel
2 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
3 located;

4 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
5 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
6 as the use; and

7 D. The owners of all parcels within the commercial subdivision, including
8 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
9 use has been or will be located, execute and record, or have executed and recorded, an agreement
10 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
11 egress throughout the commercial subdivision.

12 SECTION 4: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
13 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
14 entitled "AUTO TITLE LOAN" to read as follows:

15 AUTO TITLE LOAN [O, C-D, C-1, C-2]

16 *1. The use shall comply with all applicable requirements of LVMC Title 6.

17 *2. The building design and color scheme shall be subject to review by the Department to ensure
18 that it will be harmonious and compatible with the surrounding area.

19 3. No auto title loan use may be located closer than two hundred feet from any parcel used or
20 zoned for residential use. In addition, no auto title loan use may be located closer than one thousand
21 feet from any other auto title loan use, auto pawn use or specified financial institution use. For
22 purposes of this Paragraph (3), distances shall be measured with reference to the shortest distance
23 between two property lines, one being the property line of the proposed use that is closest to the
24 existing use to which the measurement pertains, and the other being the property line of the existing
25 use that is closest to the proposed use. Distances shall be measured in a straight line without regard
26 to intervening obstacles. For purposes of this Paragraph (3), and for that purpose only:

27 (a) The "property line" of a parcel used or zoned for residential use refers to the property
28 line of a fee interest parcel that has been created by an approved and recorded parcel map or

1 subdivision map, and does not include the property line of a leasehold parcel; and

2 (b) The “property line” of an auto title loan use, auto pawn use or specified financial
3 institution use refers to:

4 (i) The property line of a parcel that has been created by an approved and recorded
5 parcel map or commercial subdivision map; or

6 (ii) The property line of a parcel that is located within an approved and recorded
7 commercial subdivision and that has been created by a record of survey or legal description, if:

8 A. Using the property line of that parcel for the purpose of measuring the
9 distance separation referred to in this Paragraph (3) would qualify the parcel under the distance
10 separation requirement;

11 B. The auto title loan use, auto pawn use or specified financial institution
12 use has or will have direct access (both ingress and egress) from a public street. The required access
13 may be shared with a larger development but must be located within the property lines of the parcel
14 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
15 located;

16 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
17 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
18 as the use; and

19 D. The owners of all parcels within the commercial subdivision, including
20 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
21 use has been or will be located, execute and record, or have executed and recorded, an agreement
22 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
23 egress throughout the commercial subdivision.

24 [3.] 4. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
25 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
26 purposes, or other similar devices are permitted, except that banners announcing a “grand opening”
27 or that a business is “coming soon” may be approved administratively for a period not to exceed thirty
28 days.

1 [4.] 5. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
2 windows.

3 [5.] 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

4 SECTION 5: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
5 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
6 entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

7 FINANCIAL INSTITUTION, SPECIFIED [O, C-D, C-1, C-2]

8 *1. The use shall comply with all applicable requirements of LVMC Title 6.

9 *2. The building design and color scheme shall be subject to review by the Department to ensure
10 that it will be harmonious and compatible with the surrounding area.

11 3. No specified financial institution use may be located closer than two hundred feet from any
12 parcel used or zoned for residential use. In addition, no specified financial institution use may be
13 located closer than one thousand feet from any other specified financial institution use, auto title loan
14 use or auto pawn use. For purposes of this Paragraph (3), distances shall be measured with reference
15 to the shortest distance between two property lines, one being the property line of the proposed use
16 that is closest to the existing use to which the measurement pertains, and the other being the property
17 line of the existing use that is closest to the proposed use. Distances shall be measured in a straight
18 line without regard to intervening obstacles. For purposes of this Paragraph (3), and for that purpose
19 only:

20 (a) The "property line" of a parcel used or zoned for residential use refers to the property
21 line of a fee interest parcel that has been created by an approved and recorded parcel map or
22 subdivision map, and does not include the property line of a leasehold parcel; and

23 (b) The "property line" of an auto title loan use, auto pawn use or specified financial
24 institution use refers to.

25 (i) The property line of a parcel that has been created by an approved and recorded
26 parcel map or commercial subdivision map; or

27 (ii) The property line of a parcel that is located within an approved and recorded
28 commercial subdivision and that has been created by a record of survey or legal description, if:

1 A. Using the property line of that parcel for the purpose of measuring the
2 distance separation referred to in this Paragraph (3) would qualify the parcel under the distance
3 separation requirement:

4 B. The auto title loan use, auto pawn use or specified financial institution
5 use has or will have direct access (both ingress and egress) from a public street. The required access
6 may be shared with a larger development but must be located within the property lines of the parcel
7 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
8 located;

9 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
10 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
11 as the use; and

12 D. The owners of all parcels within the commercial subdivision, including
13 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
14 use has been or will be located, execute and record, or have executed and recorded, an agreement
15 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
16 egress throughout the commercial subdivision.

17 [3.] 4. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
18 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
19 purposes, or other similar devices are permitted, except that banners announcing a “grand opening”
20 or that a business is “coming soon” may be approved administratively for a period not to exceed thirty
21 days.

22 [4.] 5. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
23 windows.

24 [5.] 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

25 SECTION 6: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
26 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
27 entitled “PAWN, AUTO” to read as follows:

28 . . .

1 PAWN, AUTO [C-M]

2 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

3 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
4 shall be permitted.

5 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are
6 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
7 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
8 required minimum parking.

9 4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
10 between Charleston Boulevard and Sahara Avenue.

11 5. No auto pawn use may be located closer than two hundred feet from any parcel used or zoned
12 for residential use. In addition, no auto pawn use may be located closer than one thousand feet from
13 any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this
14 Paragraph (5), distances shall be measured with reference to the shortest distance between two
15 property lines, one being the property line of the proposed use that is closest to the existing use to
16 which the measurement pertains, and the other being the property line of the existing use that is closest
17 to the proposed use. Distances shall be measured in a straight line without regard to intervening
18 obstacles. For purposes of this Paragraph (5), and for that purpose only:

19 (a) The “property line” of a parcel used or zoned for residential use refers to the property
20 line of a fee interest parcel that has been created by an approved and recorded parcel map or
21 subdivision map, and does not include the property line of a leasehold parcel; and

22 (b) The “property line” of an auto title loan use, auto pawn use or specified financial
23 institution use refers to:

24 (i) The property line of a parcel that has been created by an approved and recorded
25 parcel map or commercial subdivision map; or

26 (ii) The property line of a parcel that is located within an approved and recorded
27 commercial subdivision and that has been created by a record of survey or legal description, if:

28 A. Using the property line of that parcel for the purpose of measuring the

1 distance separation referred to in this Paragraph (5) would qualify the parcel under the distance
2 separation requirement;

3 B. The auto title loan use, auto pawn use or specified financial institution
4 use has or will have direct access (both ingress and egress) from a public street. The required access
5 may be shared with a larger development but must be located within the property lines of the parcel
6 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
7 located;

8 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
9 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
10 as the use; and

11 D. The owners of all parcels within the commercial subdivision, including
12 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
13 use has been or will be located, execute and record, or have executed and recorded, an agreement
14 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
15 egress throughout the commercial subdivision.

16 SECTION 7: In Sections 1 to 6, inclusive, of this Ordinance, the brackets that follow
17 the titles of the subdivision being added or amended are not intended to indicate deleted matter, but
18 instead are used as the means of indicating the applicable districts.

19 SECTION 8: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
20 and 19.04.050 are deemed to be subchapters rather than sections.

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

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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:

Val Steed 9-16-03
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 said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:
17 _____
18 BARBARA JO RONEMUS, City Clerk
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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-79 – Establishes zoning requirements for facilities that provide testing, treatment, or counseling for drug or alcohol abuse or for sex offenses, and updates zoning provisions regarding similar and related uses. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will establish zoning requirements for facilities that provide testing, treatment, or counseling for drug or alcohol abuse or for sex offenses, and will update zoning provisions regarding similar and related uses. The bill is intended to more precisely define these types of uses so that they can be properly located.

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. 2003-79

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-79 be forwarded to the Full Council with a “Do Pass” recommendation as a First Amendment. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, deferred to MARGO WHEELER, Deputy Director, Planning and Development, who indicated that the proposed ordinance includes the addition and deletion of some definitions, specifically special care facility and withdrawal management facility, in the Municipal Code. The core of this text amendment is to include language to differentiate between private counseling and court-ordered treatment facilities.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 6 – Bill No. 2003-79

MINUTES – Continued:

The new definitions are for facilities that provide testing, treatment, or counseling for drug or alcohol abuse and for sex-offender counseling facilities. These two facilities are proposed to be defined separately, as having court-ordered clients. The new definitions of psychology practice and office medical are proposed to handle the instances where counseling is sought voluntarily. Consideration has been given to the state licensing codes and definitions so that they correspond.

MR. GENZER added that the charts in Sections 2 and 3 indicate an “S” in the C-1 category. The wording “C-1” needs to be added in the write up of both of those sections.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:40 – 4:42)

1-1264

1 **BILL NO. 2003-79**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH ZONING REQUIREMENTS FOR FACILITIES THAT
4 PROVIDE TESTING, TREATMENT, OR COUNSELING FOR DRUG OR ALCOHOL ABUSE,
5 AND FOR FACILITIES THAT PROVIDE TREATMENT OR COUNSELING FOR SEX
6 OFFENDERS; TO UPDATE ZONING PROVISIONS REGARDING SIMILAR AND RELATED
7 USES; AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Robert S. Genzer
7 Director of Planning and Development

Summary: Establishes zoning requirements for
facilities that provide testing, treatment, or
counseling for drug or alcohol abuse or for sex
offenses, and updates zoning provisions
regarding similar and related uses.

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

11 SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
12 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
13 eliminate from the "Institutional and Community Service" element thereof the uses "Special Care
14 Facility" and "Withdrawal Management Facility."

15 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
16 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
17 require a Special Use Permit for the use "Facility to Provide Testing, Treatment, or Counseling for
18 Drug or Alcohol Abuse" in the C-2 Zoning District, and to provide that the use is a conditional use
19 in the C-M and M Zoning Districts. In order to reflect the amendment, the "Institutional and
20 Community Service" element of the Land Use Tables is amended to add thereto a new row for the use,
21 reading as follows:

INSTITUTIONAL AND COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse					S	S		C	C

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25 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
26 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
27 require a Special Use Permit for the use "Sex Offender Counseling Facility" in the C-2 Zoning
28 District, and to provide that the use is a conditional use in the C-M and M Zoning Districts. In order

1 to reflect the amendment, the "Institutional and Community Service" element of the Land Use Tables
 2 is amended to add thereto a new row for the use, reading as follows:

3 INSTITUTIONAL AND COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
4 Sex Offender Counseling Facility					S	S		C	C

6 SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
 7 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
 8 deleting the row for the use "Medical Office" as it appears in the "Office & Professional" element of
 9 the Land Use Tables, and by replacing it with a new row pertaining to "Office, Medical," reading as
 10 follows:

11 OFFICE & PROFESSIONAL	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
12 Office, Medical	P	P	P	P	P	P	P	P	P

13 SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
 14 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
 15 deleting the row for the use "Hypnotherapy Practice" as it appears in the "Office & Professional"
 16 element of the Land Use Tables, and by replacing it with a new row pertaining to "Psychology
 17 Practice," reading as follows:

18 OFFICE & PROFESSIONAL	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
19 Psychology Practice	P	P	P	P	P	P	P	P	P

20 SECTION 6: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
 21 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
 22 deleting the rows for the uses "Dental Lab" and "Medical or Scientific Research Lab" as they appear
 23 in the "Commercial & Business Services" element of the Land Use Tables, and by replacing them
 24 with a new row pertaining to "Laboratory, Medical or Dental," reading as follows:

25 COMMERCIAL & BUSINESS SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
26 Laboratory, Medical or Dental	A	A	A	A	P	P	P	P	P

28 SECTION 7: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code

1 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the
2 subdivisions entitled “DENTAL LAB” and “WITHDRAWAL MANAGEMENT FACILITY”

3 SECTION 8: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the terms “Medical
5 Office,” “Medical or Scientific Research Lab,” “Special Care Facility,” and “Withdrawal Management
6 Facility,” along with their corresponding definitions.

7 SECTION 9: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Office,
9 Medical” to read as follows:

10 “Office, Medical” means a [building or institution or] professional office for the administration of
11 professional medical or dental care, [; not including the housing of persons.] including examinations,
12 screenings and minor outpatient surgical procedures. The term does not include a facility that
13 provides housing for individuals, a clinic, or any other facility that is specifically defined in this
14 Section.

15 SECTION 10: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
17 the following terms and their corresponding definitions:

18 “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” means a facility
19 that:

20 (1) Operates under or is subject to the provisions of NRS Title 40 and, by means of
21 certified detoxification technicians or otherwise, provides care or treatment related to the physical and
22 mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or

23 (2) Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling
24 related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or
25 drug dependency.

26 “Laboratory, Medical or Dental” means a facility, other than a hospital, that:

27 (1) Conducts general medical or scientific research, investigation, testing, or
28 experimentation; or

1 (2) Upon referral by or request of a medical professional, provides radiological or medical
2 testing, or creates prosthesis or artificial dental work.

3 The term does not include a facility for the manufacture or sale of other products, except as incidental
4 to the main purpose of the laboratory. The term also does not include a “facility to provide testing,
5 treatment, or counseling for drug or alcohol abuse,” as that term is defined in this Section.

6 “Psychology Practice” means a professional office in which a licensed professional, including a
7 psychiatrist, psychologist, social worker, marriage and family therapist, or occupational therapist,
8 provides evaluation, testing, treatment or counseling services related to mental conditions or disorders.

9 The term includes a hypnotherapy practice, but does not include a “facility to provide testing,
10 treatment, or counseling for drug or alcohol abuse,” or a “sex offender counseling facility,” as those
11 terms are defined in this Section.

12 “Sex Offender Counseling Facility” means a facility that regularly provides court-ordered or court-
13 sanctioned treatment or counseling to sex offenders.

14 SECTION 11: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
15 19.04.040, and 19.20.020 are deemed to be subchapters rather than sections.

16 SECTION 12: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

24 SECTION 13: All ordinances or parts of ordinances or sections, subsections, phrases,

25 ...
26 ...
27 ...
28 ...

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

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:
9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:
12 Valstead 9-16-03
13 Date

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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
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-80 – Updates enforcement measures and remedies regarding abandoned and inoperable vehicles that are left on private property under certain circumstances. Proposed by: Sharon Segerblom, Director of Neighborhood Services

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update enforcement measures and remedies regarding abandoned and inoperable vehicles that are left on private property under certain circumstances. The bill will allow Neighborhood Services to achieve the removal of these vehicles when they are left for extended periods of time within a multi-family residential parking lot and in a location that is visible from public property.

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. 2003-80

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-80 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

DAVE SEMENZA, Manager, Neighborhood Response, advised that this bill adds language to the nuisance section of Title 9, making abandoned vehicles visible from the public right-of-way on multi-family dwellings a public nuisance. It also allows Code Enforcement Officers, under Title 11, to give a 30-day warning, with another 72-hour notice to be given before having a vehicle towed, if the vehicle remains after 30 days. Abandoned vehicles are an ongoing problem in the City, and staff is just looking at ways to strengthen current ordinances to give staff the ability to remove such nuisances.

RECOMMENDING COMMITTEE MEETING OF OCTOBER 13, 2003

City Attorney

Item 7 – Bill No. 2003-80

MINUTES – Continued:

TODD FARLOW, 240 N. 19th Street, and AL GALLEGO, citizen of Las Vegas, expressed their full support of this bill.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:42 – 4:44)

1-1354

1 **BILL NO. 2003-80**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE ENFORCEMENT MEASURES AND REMEDIES REGARDING
4 ABANDONED AND INOPERABLE VEHICLES THAT ARE LEFT ON PRIVATE PROPERTY
5 UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED
6 MATTERS.

6 Sponsored by: Councilwoman Janet Moncrief

Summary: Updates enforcement measures and
remedies regarding abandoned and inoperable
vehicles that are left on private property under
certain circumstances.

7
8
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Title 9, Chapter 4, Section 10, of the Municipal Code of the City of Las
12 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **9.04.010:** As used in this Chapter, unless the context requires otherwise, the following terms shall
14 be defined as set forth in this Section.

15 (A) "Authorized official" means an officer of the Las Vegas Metropolitan Police
16 Department and any person designated and empowered by ordinance, by the City Manager or by the
17 District Health Officer to enforce the provisions of Title 9.

18 (B) "Chronic nuisance" means the existence of any of the following conditions:

19 (1) When three or more nuisance activities exist or have occurred during
20 any thirty-day period on a property;

21 (2) When a person associated with the property has engaged in three or
22 more nuisance activities during any thirty-day period on the property or within one hundred feet of
23 the property;

24 (3) When the property has been the subject of a search warrant based on
25 probable cause of continuous or repeated violations of NRS Chapter 459; or

26 (4) When a building or place is used for the purpose of unlawfully selling,
27 serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate
28 precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043.

1 (C) "Criminal activity" means any activity defined as a misdemeanor in the Las
2 Vegas Municipal Code or as a misdemeanor, gross misdemeanor or felony in NRS Title 15.

3 (D) "Imminent hazard" means any condition associated with real property that
4 places a person's life, health or property in high risk of peril when such condition is immediate,
5 impending, or on the point of happening or menacing.

6 (E) "Owner" means any person having a legal or equitable interest in real property
7 within the City.

8 (F) "Person associated with the property" means a person who, on the occasion of
9 a nuisance activity, has:

- 10 (1) Entered, patronized or visited;
- 11 (2) Attempted to enter, patronize or visit; or
- 12 (3) Waited to enter, patronize or visit, a property or a person present on the
13 property.

14 (G) "Public nuisance" or nuisance activity means any of the following conditions:

15 (1) Attractive Nuisance. Any area, structure or object which by its nature,
16 location and/or character would tend to attract and endanger the safety of any minor person.

17 (2) Building Code Violation. Any violation of the Uniform Building Code,
18 as adopted and amended by Title 16 of this Code.

19 (3) Fire Code Violation. Any violation of the Uniform Fire Code, as
20 adopted and amended by Title 16 of this Code.

21 (4) Polluted Water. Any body of water which by its nature and/or location
22 constitutes an unhealthy or unsafe condition.

23 (5) Refuse and Waste. Any material, regardless of its market value, which,
24 by reason of its location and/or character, is unsightly or interferes with the reasonable use and
25 enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values; or
26 which would hamper or interfere with the containment of fire upon the premises.

27 (a) Examples of refuse and waste, include, but are not limited to the
28 depositing and keeping of refuse and waste such as old lumber, tin, wire, cans, barrels, cartons, boxes,

1 rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets,
2 tubs, windows, screens, glass, bottles, wastepaper, bedsprings, mattresses, discarded furniture and
3 appliances, cleaning and bedding from animal or fowl pens, and automobile parts.

4 (6) Sign Violation. Any sign which is in violation of Title 19 of this Code.

5 (7) Zoning Violation. Any violation of Title 19 of this Code other than a
6 sign violation.

7 (8) Nuisances in General. Any act or condition which, by reason of its
8 nature, character and/or location, interferes with the reasonable use and enjoyment of adjacent
9 properties, or which has a detrimental effect upon adjacent property values. Nuisances in general shall
10 include, but not be limited to, the following:

11 (a) Weeds and turf grass in plain view within the front yard on a
12 developed parcel or vacant parcel exceeding eight inches in height, with the exception for useful
13 grasses and pastures as set forth in Section 9.04.040;

14 (b) Graffiti, defined as the unauthorized spraying of paint, ink,
15 chalk, dye or other similar marking substances on public or private buildings, walls, fences or other
16 structures allowed to remain for more than twenty-four hours;

17 (c) Unpainted or painted buildings, walls, fences or other structures
18 upon which the condition of the structure has become so deteriorated as to permit decay, excessive
19 cracking, peeling, chalking, dry rot, warping or termite infestation;

20 (d) Any vehicle that has been abandoned, or any vehicle in an
21 obviously mechanically inoperable condition that:

22 (i) Is parked within a multifamily residential parking lot,
23 in a location that is visible from public property; and

24 (ii) Has been parked in the same location for more than thirty
25 days;

26 [(d)] (e) Criminal activity on any lot or premises within the City.

27 (H) "Responsible party" means any tenant, occupant, lessor, lessee, manager,
28 licensee or other person having control over a structure or parcel of land in the City.

1 SECTION 2: Title 11, Chapter 24, Section 20, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **11.24.020:** It shall be unlawful for any person to:

4 (A) Abandon [abandon] a vehicle upon public or private property within the City
5 without the consent of the owner or person in control or management of [said] the public or private
6 property[.]; or

7 (B) Leave a vehicle in a parking space in the parking lot of a multifamily residential
8 development for more than thirty days if the vehicle:

9 (1) Is in an obviously mechanically inoperable condition; and

10 (2) Is visible from public property.

11 SECTION 3: Title 11, Chapter 24, Section 30, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **11.24.030:** [The Sheriff, any] Any officer of the Metropolitan Police Department or any officer
14 of the Department of Detention and Enforcement who has reasonable grounds to believe that a vehicle
15 has been abandoned or has been parked in the same location in violation of LVMC 11.24.010 may
16 affix a Notice of Infraction to the vehicle. An authorized employee of the Department of
17 Neighborhood Services who has reasonable grounds to believe that a vehicle has been abandoned or
18 parked on private property in violation of LVMC 11.24.020 may affix a Notice of Infraction to the
19 vehicle. The officer or employee may also affix a warning notice advising that the vehicle is subject
20 to tow because it is in violation, and may mark one or more tires of the vehicle to indicate the current
21 date. [The Sheriff or any] Any such officer or employee is authorized to immediately remove or have
22 such vehicle removed from any street, highway, public thoroughfare, public or private property, for
23 the purpose of storage or disposition, to any garage within the City as designated by the officer if the
24 vehicle:

25 (A) Has not been removed within seventy-two hours after the warning notice is
26 affixed.

27 (B) Has been parked for more than twenty-four hours while in violation of a parking
28 prohibition, restriction or time limitation.

1 (C) Is parked at a location or in a manner so as to constitute a traffic hazard or an
2 obstruction to the normal movement of traffic or pedestrians.

3 (D) Is parked within a fire lane, whether on public or private property, which has
4 been designated and posted as such pursuant to Sections 901 and 902 of the Fire Code, as adopted by
5 the City.

6 (E) Is parked within fifteen feet of a fire hydrant located on either public or private
7 property, whether or not:

8 [(a)] (1) A sign has been posted to indicate "No Parking"; or

9 [(b)] (2) The adjacent curb or road surface has been painted red.

10 (F) Has obviously been abandoned upon a street, highway, public thoroughfare or
11 on public property.

12 (G) Has been abandoned or parked in violation of LVMC 11.24.020, and has not
13 been removed within seventy-two hours after a warning notice has been affixed.

14 [(G)] (H) Is parked upon a street, highway, public thoroughfare or public property and
15 is so disabled or in such a state of disrepair that its normal operation is impossible or impractical.

16 [(H)] (I) Is parked upon a street, highway, public thoroughfare or public property and
17 displays no valid registration permit or license plate issued by the Nevada Department of Motor
18 Vehicles for that vehicle.

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

27 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
28 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is

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
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
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17 BARBARA JO RONEMUS, City Clerk

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City of Las Vegas

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 13, 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

(4:44)

1-1427

THE MEETING ADJOURNED AT 4:44 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

October 20, 2003