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City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
AUGUST 5, 2008
4:00 P.M.

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.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW
3. ABEYANCE ITEM - Bill No 2008-34 -- Amends the business license code pertaining to the license application process, licensee regulations, administrative fees, business license categories, designation of license agencies and officials, compliance with amendments to State law, and other related matters. Proposed by: Mark R Vincent, Director of Finance and Business Services
4. Bill No 2008-35 -- Repeals obsolete provisions of the Municipal Code relating to the City's representation on the District Board of Health. Proposed by: Beverly K. Bridges, City Clerk
5. Bill No. 2008-36 - Granting a Franchise Agreement to AGL Networks, LLC, and setting the purpose, character, term, time and conditions of the franchise agreement. Proposed by: Mark Vincent, Director of Finance and Business Services
6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.
7. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: 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.

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City of Las Vegas

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

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

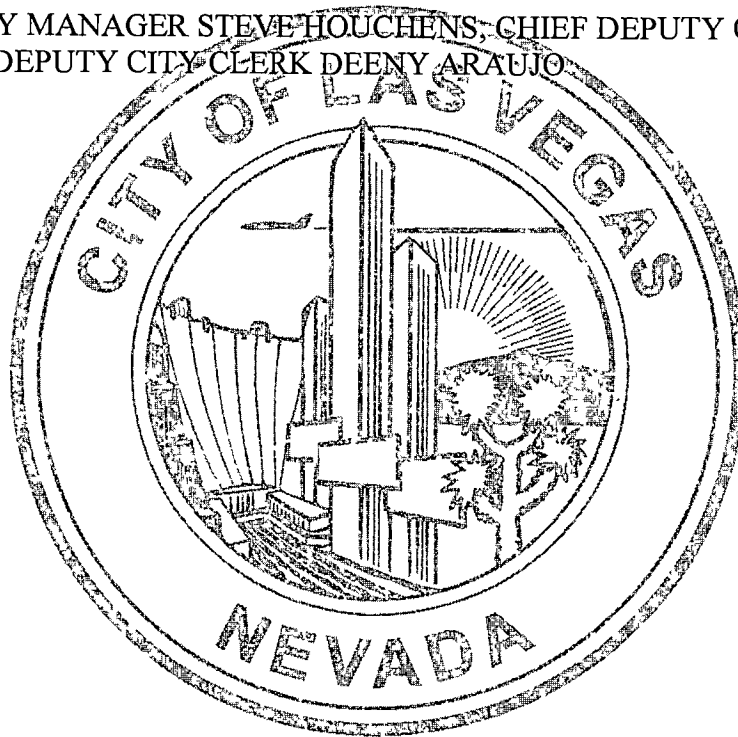
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER

Minutes:
COUNCILWOMAN TARKANIAN called the meeting to order at 4:10 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and BARLOW

Also Present: CITY MANAGER STEVE HOUCHEMS, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK DEENY ARAUJO



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge Bulletin Board, City Hall Plaza (next door to Metro Records), Las Vegas Library, 833 Las Vegas Boulevard North, Clark County Government Center 500 S. Grand Central Parkway, Grant Sawyer Building, 555 E. Washington Avenue



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

ABEYANCE ITEM - Bill No. 2008-34 – Amends the business license code pertaining to the license application process, licensee regulations, administrative fees, business license categories, designation of license agencies and officials, compliance with amendments to State law, and other related matters. Proposed by: Mark R. Vincent, Director of Finance and Business Services

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill updates a number of business licensing provisions of the Municipal Code. Included are updates to massage license provisions so as to be consistent with State law, provisions to authorize certain administrative and processing fees, a few fee category adjustments, provisions to facilitate the monitoring of revenue for certain licensees, and other technical adjustments. The bill also includes a provision to assist City departments in identifying zoning compliance for certain nonprofit operations.

RECOMMENDATION:

ABEYANCE to 8/5/2008 Recommending Committee meeting by the 7/15/2008 Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

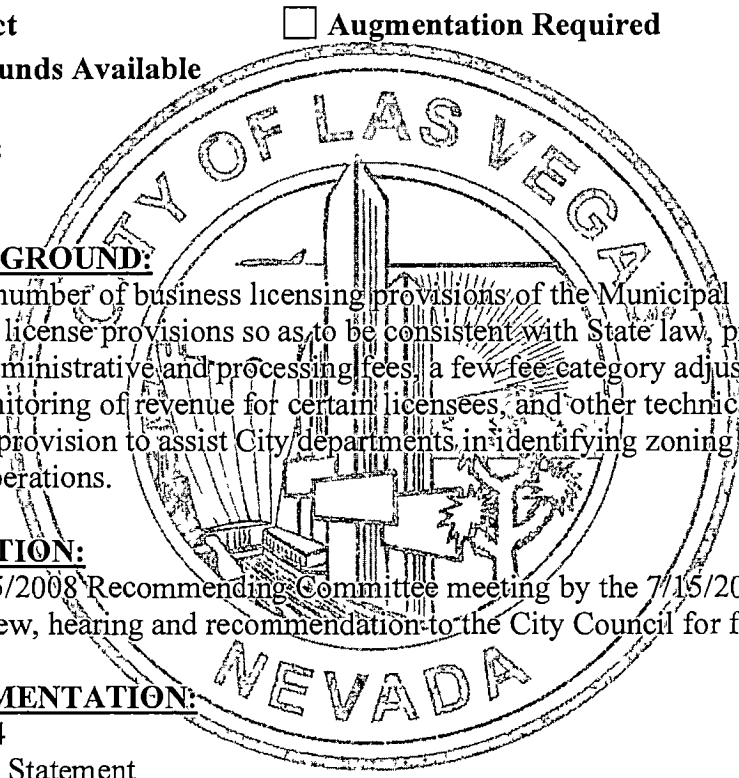
- 1. Bill No. 2008-34
- 2. Business Impact Statement

Motion made by RICKI Y. BARLOW to Approve Do Pass as First Amendment with the removal of Sections 166-169

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MARK VINCENT, Director of Finance and Business Development, explained that at a previous meeting it was requested that all fee increases be omitted from Bill No. 2008-34 and include those in the Fundamental Review scheduled for October.



RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

CHIEF DEPUTY CITY ATTORNEY VAL STEED confirmed that the bill, which was scheduled to be acted upon at the next City Council meeting, would not be eligible for adoption. He referenced the proposed First Amendment which takes out all fees and clarified that everything remaining that is fee-related is existing.

MR. VINCENT stated that there was one concern related to commercial leasing. This new category relates to individuals who own commercial properties and in turn lease them out. Currently they do not pay any licensing fees. This category was created to be consistent with the County's standards.

With regard to the regulations pertaining to massage, CHIEF DEPUTY CITY ATTORNEY STEED noted that proposed language was sent to the Nevada State Board of Massage and there were no objections to the revisions.

For the record, TED RUSSELL, Las Vegas resident recommended approval of the First Amendment.

KIP COOPER, representing the Greater Las Vegas Association of Realtors, stated that there are a number of major concerns pertaining to the rental or leasing of commercial properties. MR. COOPER referred to Sections 166 through 169 of the First Amendment and asked for an opportunity to meet with Councilmembers and staff for further discussion.

CHIEF DEPUTY CITY ATTORNEY STEED clarified that anyone who operates a business in the City is subject to default licensing. MR. COOPER stated that there should be a fair mechanism to determine the rate in order to apply this tax since it is not currently being applied by Business Licensing.

MR. VINCENT substantiated the fact that people who own commercial real estate and who are in the business of leasing out property and collecting rent are not paying business licensing fees. He added that the County assesses a gross license fee for commercial real estate owners whose properties are located in the County. Their fee schedule is identical to the fee schedule that the City is proposing.

CAROL MEYER, Business and Finance Services, concurred with CHIEF DEPUTY CITY ATTORNEY STEED and explained that the purpose of retaining this category as part of the First Amendment was to clarify for the industry that they should be paying the business licensing fees. The City's schedule is consistent with the County and she recommended approval.

Speaking to MR. COOPER, COUNCILMAN BARLOW asked what he felt would be accomplished by removing this category. MR. COOPER replied that there are several large commercial owners and organizations who desire to speak with the City to determine whether the fee is necessary.

MR. COOPER theorized that although the County has established fees, it does not make it fair or just. He believed the City should allow adequate time to the industry for addressing their concerns.

RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

COUNCILMAN BARLOW asked whether there is a timeline that has to be adhered to. MR. VINCENT replied that if the Committee has a preference to hold this matter for thirty days, there would be no objection. He emphasized that the point is enforcement and doing business in the City mandates the payment of fees. MR. VINCENT further clarified that if approved, there is no intent for retroactive enforcement.

Based upon recommendation from CHIEF DEPUTY CITY ATTORNEY STEED and desiring to provide adequate opportunity to the industry, COUNCILMAN BARLOW motioned to approve Bill No. 2008-34, First Amendment as Do Pass, removing Sections 166 through 169 to be addressed at a later time when a new bill is proposed.



1 BILL NO. 2008-34

2 ORDINANCE NO. _____

3 AN ORDINANCE AMENDING THE PROVISIONS OF THE BUSINESS LICENSE CODE
4 PERTAINING TO THE LICENSE APPLICATION PROCESS, LICENSEE REGULATIONS,
5 ADMINISTRATIVE FEES, BUSINESS LICENSE CATEGORIES, DESIGNATION OF LICENSE
6 AGENCIES AND OFFICIALS, COMPLIANCE WITH AMENDMENTS TO STATE LAW, AND
7 TO PROVIDE FOR OTHER RELATED MATTERS.

8 Proposed by: Mark Vincent, Director
9 Department of Finance and Business Services

Summary: Amends the business license code
pertaining to the license application process,
licensee regulations, administrative fees,
business license categories, designation of
license agencies and officials, compliance with
amendments to State law, and to provide for
other related matters.

10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

11 AS FOLLOWS:

12 SECTION 1: Title 6, Chapter 2, Section 10, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.02.010:** Unless the context otherwise requires, the scope of all words in this Title shall be
15 liberally construed in order to effectuate the purposes of this Title. In particular, the following words
16 shall have the meaning ascribed to them as follows:

17 "Applicant" means any person who has applied for a City business license, approval of
18 suitability, work card or any permit.

19 "Business" means any business, commercial enterprise, trade, occupation, calling, profession,
20 vocation or activity engaged in, conducted, [or] carried on, advertised or marketed, by any person, his
21 agent or employee for the purpose of gain, benefit or advantage, either direct or indirect.

22 "Department" means the Department of Finance and Business Services.

23 "Director" means the Director of the Department of Finance and Business Services and those
24 persons authorized by him to act in his behalf.

25 "Employee" means any person who performs services for another for hire, salary, wages or any
26 other kind of compensation, whether or not the services are casual, temporary or permanent, and
27 whether or not the contract of service is express or implied, oral or written.

28 "Establishment" means any business conducted in or upon any premises, and includes any

1 buildings, improvements, equipment and facilities used or maintained in connection with such
2 business.

3 "Gross sales/gross revenues," as used in connection with the determination of license taxes,
4 means the total amount of the sale price of all goods sold, the total amount charged or received for the
5 performance of any act, service or employment, of whatever nature it may be, whether or not such
6 service, act or employment is performed as part of or in connection with the sale of goods, wares or
7 merchandise for which a charge is made or credit allowed, including all receipts, cash, credits or
8 property of any kind, any amount for which credit is allowed by the seller to the purchaser without any
9 deduction therefrom on account of the cost of property of any kind, any amount for which credit is
10 allowed by the seller to the purchaser without any deduction therefrom on account of the cost of
11 property sold, cost of materials used, labor or service costs, interest paid or payable, losses or any other
12 expense whatsoever.

13 (A) The [following shall not be included in calculating] term gross sales/gross
14 revenue shall not include:

15 (1) Cash discounts which are allowed or taken on sales/revenue;
16 (2) Over-allowance on trade-ins of used merchandise, cars or goods which
17 are received in trade for the purchase of new merchandise, cars or goods. For purposes of this
18 [Section]definition, "over-allowance" means the amount which is allowed on any trade-in which is
19 in excess of the actual sale price of the trade-in by the dealer, whether that sale is wholesale, retail or
20 at auction. In order for a dealer of new merchandise, cars or goods to substantiate deductions for
21 over-allowances, a separate general ledger account must be maintained which accumulates the total
22 over-allowances. This account must be supported by a cash receipt journal or similar journal which
23 summarizes the daily transactions. Each daily entry must be supported by the original contract which
24 clearly substantiates the difference between the actual sales price and the allowance which is given
25 to the customer on the trade-in;

26 (3) Inventory transfers between dealers of new merchandise, cars or goods
27 and their wholly owned leasing companies, wherein no profit is involved. In order for a dealer of new
28 merchandise, cars or goods to substantiate deductions for inventory transfers, a separate account must

1 be maintained in the general ledger for all merchandise, cars or goods which are transferred to its
2 wholly owned leasing company. These transactions must be traceable to a cash receipt journal or
3 similar journal which summarizes daily transactions. Each daily entry must be supported by
4 paperwork which legally transfers the new merchandise, car or goods to the leasing company; and

5 (4) Any tax on fuel or retail sales that is collected by the seller.

6 "Health District" means the Southern Nevada Health District.

7 "License" means permission granted by the licensing authority to engage in the business for
8 which the license is issued.

9 "Licensee" means any person to whom a valid license has been issued pursuant to this Title.

10 "License fee" or "license tax" means any money required by law to be paid to obtain, renew
11 or maintain a license.

12 "Metro" means the Las Vegas Metropolitan Police Department.

13 "Person" includes any association, corporation, firm, partnership, trust or other form of
14 business or social association or organization, as well as a natural person and the estate of a natural
15 person.

16 "Personal representative" means any person authorized to act on behalf of the estate of a
17 natural person.

18 "Premises" means land together with all buildings, appurtenances, improvements, parking
19 areas and personal property located thereon.

20 "Principal" means:

21 (A) Any person who is an officer, director, trustee, personal representative or
22 general partner or who has an ownership interest in or voting control of the business equal to or greater
23 than ten percent of the entire ownership of voting control of such business. If the ownership interest
24 or voting control is held by a person other than an individual, then each officer, director, trustee,
25 personal representative or general partner of such person is a principal;

26 (B) Any person who is or will be directly engaged in the administration or
27 supervision of the business; and

28 (C) Any other person if, in the Director's opinion, the person exercises, or is

1 capable of exercising, significant influence over the business.

2 "Professional" means a person who:

3 (A) Holds a license, certificate, registration, permit or similar type of authorization
4 issued by a State regulatory body as defined in NRS 622.060, or who is regulated pursuant to the
5 Nevada Supreme Court Rules; and

6 (B) Practices his or her profession for any type of compensation as an employee.
7 The term "employee" for the purposes of this definition includes an owner, sole proprietor, member,
8 partner or associate of a professional business.

9 "Professional business" means a business which:

10 (A) Holds itself out as offering services regarding one or more of the professions
11 regulated by a State regulatory body as defined in NRS 622.060 or by Nevada Supreme Court Rules;
12 and

13 (B) Employs one or more professionals to provide such services.

14 "Valid unexpired license" means a license that has not been suspended or revoked before its
15 expiration date.

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

18 **6.02.020:** (A) The Department shall have the jurisdiction to investigate and enforce the
19 provisions of this Title, Title 9 and the provisions of Title 19 as they relate to the use of land by, and
20 impact of, businesses, professions and occupations.

21 (B) The Department shall have all powers which may be necessary or appropriate
22 for a complete and effective exercise of its jurisdiction, including, but not limited to:

23 (1) The power to enter and inspect the licensed premises at any time during
24 the business hours of the licensee;

25 (2) The power to examine all books and other business records of a
26 principal, licensee, applicant, or their employees or other persons acting under their control;

27 (3) The power to apply for and execute administrative search warrants based
28 upon reasonable suspicion of a violation of this Title, Title 9 or Title 19;

1 (4) The power to issue citations pursuant to the provisions of NRS Chapter
2 171 for violations of this Title, Title 9 or Title 19;

3 (5) The power to issue, revoke, suspend or deny a business license, or
4 temporary business license, as provided in this Chapter; [and]

5 (6) The authority to make expenditures as reasonably necessary to
6 investigate a violation of this Title, Title 9 or Title 19[.]; and

7 (7) The power to charge a licensee fifty dollars an hour for follow-up
8 inspections after an initial investigation or inspection reveals violations of this Title, Title 9, or
9 Title 19, plus any reasonable expenses incurred during such follow-up inspections.

10 (C) The Department is authorized to require identification or other information from
11 a principal, licensee, applicant, or their employees or other persons acting under their control, at any
12 time in furtherance of the exercise of its jurisdiction.

13 (D) During the course of investigating any crime or assisting in the enforcement of
14 this Code, Metro has concurrent jurisdiction and authority to issue citations for the violations of this
15 Title, Title 9 or Title 19.

16 SECTION 3: Title 6, Chapter 2, Section 65, of the Municipal Code of the City of Las
17 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.02.065:** Nothing in this Title, including the imposition of any license tax, shall be deemed or
19 construed to apply to any:

20 (A) Person engaged in any of the professions or occupations hereinafter enumerated
21 solely as an employee of any other person who is properly licensed to conduct, manage or carry on any
22 such business unless specifically provided otherwise in Chapter 6.04 or any other provision of this
23 Title;

24 (B) Community theater as defined in NRS 364.130;

25 (C) Public bus transportation service for the carrying of passengers from place to
26 place within the City, which is owned or operated by a governmental entity; provided, however, this
27 exception does not apply to a private person who leases the service from the governmental entity for
28 business purposes; or

1 (D) Nonprofit professional services organization that provides all of its professional
2 services to the public at no cost and has received its tax exempt status pursuant to Title 26 U.S.C.
3 Section 501(c);

4 (E) Professional person licensed by the State who works solely either as a principal
5 or employee for a nonprofit professional services organization that has tax exempt status pursuant to
6 Title 26 U.S.C. Section 501(c), if such organization provides all of its professional services to the
7 public at no cost; or

8 (F) [Any government] Government entity or professional person licensed by the
9 State who works solely as an employee of a government entity.

10 SECTION 4: Title 6, Chapter 2, Section 85, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.02.085:** (A) A [thirty-dollar] fifty dollar nonrefundable processing fee will be charged for
13 each application filed for a new business license, a change of business ownership, a change of
14 corporate officers, a change of business location, a change of business name or a charitable
15 solicitations permit. Processing of such applications shall not commence until the Department has
16 received the processing fee.

17 (B) The processing fee set forth in Subsection (A) of this Section is to be in addition
18 to any other license fee required by this Code for the type of business in question.

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

21 **6.02.090:** (A) Other than an application for a license which requires prior approval by an
22 agency of the State, an application for a license which requires formal approval of the Council to
23 which the exemptions in LVMC 6.02.070(E)(1) - (4) do not apply, or a license that is subject to the
24 provisions of LVMC Chapter 6.06, the Director, not more than thirty calendar days after receipt of an
25 application for a license, shall approve with or without conditions, deny or take such other action with
26 respect to such application as the Director considers appropriate. In the event that any department that
27 the Director consults regarding an application is unable to complete its review thereof in time for the
28 Director to comply with such thirty-calendar-day requirement, the Director shall issue a temporary

1 license as provided in LVMC 6.02.070. The Director may:

2 (1) Deny an applicant a license if:

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

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

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

11 (d) The applicant, prospective licensee or any of its principals is
12 engaged in a business, trade or profession without having obtained a valid license, an approval for
13 suitability, a permit or a work card when such applicant or any of its principals knew that one was
14 required or under such circumstances that they reasonably should have known one was required;

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

19 (f) The applicant, prospective licensee or any of its principals has
20 been convicted of an act that constitutes a crime which involves moral turpitude or involves any local,
21 State or Federal law or regulation which relates to the same or a similar business, or has been
22 convicted of having solicited, encouraged, caused or procured another to commit such a violation;

23 (g) The applicant, prospective licensee or any of its principals has
24 been convicted of having perpetrated, or solicited, encouraged, caused or procured another to
25 perpetrate, deceptive practices upon the public;

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

28 (i) The premises on which the business is proposed to be conducted

1 do not satisfy local, [state or federal] State or Federal laws or regulations which pertain to the activity
2 that is proposed to be engaged in; [or]

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

5 (k) The required license fee has not been paid in advance.

6 (2) Decline to renew a license if:

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

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

18 (c) The licensee, any of its principals, or their employees or those
19 acting on their behalf, have been convicted of an act that constitutes a crime which involves moral
20 turpitude or involves any local, State or Federal law or regulation which relates to the same or a
21 similar business, or have been convicted of having solicited, encouraged, caused or procured another
22 to commit such a violation;

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

25 (e) The licensee, any of its principals, or their employees or those
26 acting on their behalf, have been convicted of having perpetrated deceptive practices upon the public;

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

1 (g) The premises on which the business is conducted do not satisfy
2 local, state or federal laws or regulations which pertain to the activity which is actually engaged in;[
3 or]

4 (h) The business activity constitutes, promotes, causes, allows,
5 fosters, aids, or otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been
6 or is being conducted in an unlawful, illegal or impermissible manner, including but not limited to
7 causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or
8 failing to abate a private nuisance, public nuisance or chronic nuisance[.]; or

9 (i) The required license fee for the next license period has not been
10 paid in advance.

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

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

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

23 SECTION 6: Title 6, Chapter 2, Section 100, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.02.100:** Upon final approval of a new license application or license renewal and upon payment
26 of all required fees and taxes, the Director shall issue a license. The license shall specify the
27 classification of the license, the premises where the business is allowed and the name of the licensee.

28 SECTION 7: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas,

1 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
2 6.02.125, to read as follows:

3 **6.02.125:** It is unlawful for any person to sell food products without first securing and
4 maintaining in active status all health permits required by the Health District.

5 SECTION 8: Title 6, Chapter 2, Section 130, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.02.130:** [No license to conduct any business or occupation which is regulated and licensed
8 under any provision of the Nevada Revised Statutes shall be issued unless and until a State license has
9 been obtained therefor; provided, however, a temporary license may be issued pursuant to LVMC
10 6.02.070 if the issuance of a State license is conditioned upon the prior approval or issuance of a City
11 license.] The Director may require a City license applicant to show proof that he or she has been
12 issued a required unexpired State license, certificate or permit, as a condition of issuance of a City
13 license.

14 SECTION 9: Title 6, Chapter 2, Section 150, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.02.150:** (A) Separate licenses or permits must be obtained for each branch establishment
17 or separate place of business, whether the activity is intended to be permanent or temporary[, and a].

18 (B) A license must be obtained for every class and type of business in this Code
19 specified, even though several classes or types of business may be operated by the same person and
20 at the same place of business; provided, that any].

21 (C) A person conducting several classes or types of businesses, each of which is
22 required by [Section] LVMC 6.04.005 to pay a license fee on the basis of gross sales, at the same
23 location and under the same business name, shall, unless otherwise directed by the Director, [be
24 required to] apply for and obtain only one license.

25 SECTION 10: Title 6, Chapter 2, Section 170, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.02.170:** (A) License [taxes] fees based upon gross sales/gross revenues are due in advance
28 and shall fall due on a semiannual basis, with the initial semiannual period commencing on the date

1 the application for business license is filed.

2 (B) The new owner of an existing business paying license fees based upon gross
3 sales/gross revenues shall report to the Director the gross sales/gross revenues of the previous owner
4 for the six-month period immediately preceding the purchase of the business for the purpose of
5 determining the initial license fee of the new owner.

6 (C) Fixed [fee license taxes] license fees are due in advance and shall fall due on
7 an annual basis, with the initial period commencing on the date the application for business license
8 is filed, unless otherwise provided in this Code.

9 (D) License [taxes] fees shall not be prorated based upon the fact that a business
10 does not start [at the beginning of the initial semiannual period.] when the application for a business
11 license is filed or start at any other time prior to the end of the initial semiannual license period.

12 SECTION 11: Title 6, Chapter 2, Section 230, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.02.230:** In order to renew a license the licensee must pay the appropriate license [tax] fee, and
15 where the [tax] fee is based upon gross sales/gross revenues [or amount of business,] the licensee shall
16 declare the gross sales/gross revenues [or amount of business he did] in the last preceding semiannual
17 license period. The payment of a license [tax] fee does not by itself entitle the licensee to renewal of
18 a license.

19 SECTION 12: Title 6, Chapter 2, Section 250, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.02.250:** (A) All [licenses] license fees other than gambling and liquor [licenses] license fees
22 shall become delinquent if [the license fee is] not received [on or before the fifteenth day] within
23 fifteen days after the due date. If full payment is not made [more than] within fifteen days after the
24 due date, fifteen percent of the entire license fee shall be assessed as a penalty, payable in addition to
25 the license fee; provided, however, if the fifteenth day following the due date is a Saturday, Sunday
26 or holiday, the penalty must not be assessed if the license fee is received before five p.m. of the next
27 day which is not a Saturday, Sunday or holiday. Assessed penalty charges are due on or before the
28 thirtieth day after the license fee due date.

1 (B) All licenses for which fees and assessed penalty charges have not been paid
2 within thirty days after the license fee due date may be suspended by the Director [of Finance and
3 Business Services, or the Director's designee,] and, if suspended, shall not be reinstated until the
4 license fees [and assessed penalty charges, unless deferred pursuant to Subsection (C) of this Section,
5 have been paid.] assessed penalty charges and a reinstatement fee of fifty dollars have been paid.

6 (C) [If the assessed penalty charges are not paid or are only partially paid when the
7 semiannual license fees are paid, payment of the unpaid assessed penalty charges or balance thereof
8 may be deferred and paid with the license fees for the next semiannual license period; provided,
9 however, that the deferment does not apply if the amount of the penalty charges exceed twenty-five
10 dollars, and penalty charges may not be deferred for more than one license period.] The Director may
11 refer any delinquent license fees and assessed penalty charges to a collection agency for collection if
12 they have not been paid within thirty days after the license fee due date.

13 (D) As a condition of reinstatement of a license suspended pursuant to Subsection
14 (B) of this Section, the licensee shall, in addition to payment of any outstanding license fees, penalty
15 charges, and reinstatement fees, reimburse the City for any expenses it has incurred as a result of
16 referring the licensee's delinquent license fees and assessed penalty charges to a collection agency.

17 SECTION 13: Title 6, Chapter 2, Section 300, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.02.300:** [A licensee may change the location of the licensed business by filing a form to be
20 provided by the Director, who shall approve such transfer if the new location meets all the
21 requirements of this Code and such applicant pays the processing fee required by LVMC 6.02.085
22 upon filing of such application.] Before relocating a business, a licensee shall apply to the Director
23 on forms provided by the Department for permission to relocate such business. Within thirty calendar
24 days of receipt of the application the Director shall approve such relocation if the new location meets
25 all the requirements of this Code and the licensee has paid the processing fee required by LVMC
26 6.02.085.

27 SECTION 14: Title 6, Chapter 2, Section 310, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.02.310:** [All persons licensed to do business under this Title shall report to the Director on a
2 form acceptable to the Department any change in business name from that designated in the original
3 business license application within fifteen days after such change occurs and pay the processing fee
4 required by LVMC 6.02.085.] A person licensed to do business under this Title shall report to the
5 Director on forms provided by the Department any proposed change in business name from that
6 designated in the original business license application prior to such change, and shall pay the change
7 of name processing fee required by LVMC 6.02.085 upon the filing of such report.

8 SECTION 15: Title 6, Chapter 2, Section 320, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.02.320:** (A) Licensees have a continuing duty and obligation to notify the Department within
11 fifteen days of additions, deletions, changes or modifications in the information furnished the
12 Department and this duty continues as long as a valid license remains in effect. Failure to report any
13 change that alters the licensing status of the licensee or business is unlawful.

14 (B) A licensee may be required, in the discretion of the Director, to apply for a
15 [new] different license if changes in the licensee's business operations alters the original purpose for
16 which the business was licensed. [The burden is on the licensee to show that the changes have not
17 altered the original business purpose.]

18 (C) A licensee may be required, in the discretion of the Director, to apply for a new
19 license if the changes in the licensee's business operations have not previously been reviewed for
20 compliance with City zoning, building and fire code regulations.

21 (D) The burden is on the licensee to show that the changes in business operations
22 have not altered the original business purpose.

23 SECTION 16: Title 6, Chapter 2, Section 350, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.02.350:** A licensee under this [Chapter] Title shall be subject to disciplinary action not only for
26 acts or omissions done by such licensee but also for acts and omissions done by the principals,
27 managers, agents, representatives, servants or employees of such licensee.

28 SECTION 17: Title 6, Chapter 4, Section 5, of the Municipal Code of the City of Las

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

2 **6.04.005:** (A) Unless specifically provided otherwise in this Code, each person doing business
3 in the City shall pay to the Department of Finance and Business Services, in advance, a semiannual
4 license fee based on the gross sales of the business according to the following schedule:

5	Semiannual Gross	Semiannual Fee
6	\$0 — \$12,000	\$25
7	12,001 — 18,000	35
8	18,001 — 24,000	42
9	24,001 — 30,000	54
10	30,001 — 45,000	66
11	45,001 — 90,000	78
12	90,001 — 135,000	90
13	135,001 — 180,000	100
14	180,001 — 240,000	120
15	240,001 — 300,000	167
16	300,001 — 360,000	200
17	360,001 — 420,000	230
18	420,001 — 480,000	270
19	480,001 — 540,000	300
20	540,001 — 600,000	350
21	600,001 — 660,000	370
22	660,001 — 720,000	400
23	720,001 — 780,000	440
24	780,001 — 840,000	470
25	840,001 — 900,000	500
	900,001 — 960,000	540
	960,001 — 1,020,000	570
	1,020,001 — 1,080,000	600
	1,080,001 — 1,140,000	640
	1,140,001 — 1,200,000	670
	1,200,001 and over	multiplied by .00056

26 (B) In order to administer the provisions of this Title and provide statistical and
27 demographic information, the Department shall have the authority to administratively create business
28 licensing categories or classifications, with license fees based upon gross sales or gross revenue, for

1 businesses which do not [fir] fit into existing categories or classifications.

2 SECTION 18: Title 6, Chapter 4, Section 10, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby repealed.

4 SECTION 19: Title 6, Chapter 4, Section 20, of the Municipal Code of the City of Las
5 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.04.020:** (A) Persons doing business in the licensing categories described in the Sections of
7 this Chapter that follow shall pay in advance a semiannual or annual license fee at the specified rates.

8 (B) For administrative purposes, the Director may bill the initial and subsequent
9 annual license fee referenced in Subsection (A) of this Section on a semi-annual basis.

10 SECTION 20: Title 6, Chapter 4, Section 30, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.04.030:** Businesses within the following licensing categories shall pay a fifty dollars annual
13 business license fee, as set forth below:

14 **Billiard or pool hall,** The fee amount shall be charged for each billiard or pool table.

15 **Bowling center,** which is a business providing a place to engage in the sport of bowling. The fee
16 amount shall be charged for each alley.

17 **Tobacco dealer[--retail],** which is any person licensed pursuant to NRS Chapter 370 to sell tobacco
18 [through a vending machine or in conjunction with another gross retail license as defined in NRS
19 Chapter 370]. The fee amount shall be charged for each sales location, whether a machine, [or other]
20 retail location, or warehouse facility.

21 **Express or delivery service,** The fee amount shall be charged for the first vehicle used in the
22 business, with a thirty dollar annual fee to be charged for each additional vehicle used in the business.

23 An applicant for this license [must] may be required by the Director to furnish a [Transportation
24 Services Authority certificate] State license or certificate, if applicable, or written verification that
25 such license or certificate is not required.

26 **[Nevada registered non-business entity,** which is any holding company, limited liability company,
27 partnership, corporation or association that is registered with the Nevada Secretary of State, but does
28 not conduct business in Nevada.]

1 **Nonprofit commercial enterprise**, which is any commercial enterprise regularly engaged in by an
2 organization that has duly qualified as tax exempt under the Internal Revenue Code. The category
3 does not include an organization whose commercial activities consist solely of one or more of the
4 following:

- 5 (A) Occasional fundraising activities;
- 6 (B) Solicitation activities that are subject to the provisions of LVMC Chapter 6.22;
- 7 (C) The sale of items that are intended to convey a religious, political or ideological
8 message.

9 **[Shoeshine stand business**, which is a business that provides shoeshine or other footwear dyeing or
10 care, but which does not provide shoe repair or leather repair services.

11 **Transfer and storage company**, The fee amount shall be charged for the first truck used in the
12 business, with a thirty dollar annual fee to be charged for each additional truck used in the business.]

13 SECTION 21: Title 6, Chapter 4, Section 40, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.04.040:** Businesses or business locations within the following licensing categories shall pay a
16 one hundred dollars annual business license fee, as set forth below:

17 **Administrative office space**, which is an office location in which specific administrative functions
18 of a business are conducted apart from the primary business location.

19 **[Insurance agent**, which is any individual, firm or corporation appointed by an insurer to solicit
20 applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer.]

21 **Lawn and landscape maintenance**, which is any business that provides lawn or landscape
22 maintenance but is not required to have a State contractor's license.

23 **Motor transportation service**, which is any person who provides passenger transportation service
24 for hire, excluding a taxi service. An applicant for this license must furnish a certificate of public
25 convenience and necessity from the Transportation Services Authority in accordance with NRS
26 Chapter 706, or evidence of exemption from the certificate requirement. The fee amount shall be
27 charged for each vehicle operated as part of the business, except that any vehicle which is devoted
28 exclusively to public transportation as designated by a local government within Clark County is

1 exempt from the license fee requirement.

2 **Public bus service**, which is any person who operates a privately owned bus service for the purpose
3 of transporting members of the general public from place to place within the City. The fee amount
4 shall be charged for each bus used in the transportation service. Before a license application may be
5 approved by the City Council, the applicant must file with the City Clerk a map designating the
6 proposed service routes, and must meet all Transportation Service Authority requirements.

7 **Sightseeing bus or limousine service**, which is any person who operates a transportation service
8 utilizing buses or limousines to transport passengers for hire, but which is not operated over fixed
9 routes or between pre-established points. The fee amount shall be charged for each vehicle used in
10 the transportation service. An applicant for this license must furnish a certificate of public
11 convenience and necessity from the Transportation Services Authority, as obtained in accordance with
12 NRS Chapter 706.

13 **Skating rink**, which is any business that offers to the public for a fee the use of any facility, regardless
14 of surface type, for the purpose of skating. The term "skating" includes roller skating, ice skating or
15 any other type or form of skating or skateboarding.

16 **Travel and ticket agency**, which is any person in the business of purchasing and reserving hotel
17 accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists
18 or other persons. The category does not include any person who furnishes reservations or tickets
19 exclusively for services in an establishment owned by that person.

20 **Truck rental agency**, which is any business that offers trucks for rent. The fee amount shall be
21 charged for each truck available for rental.

22 SECTION 22: Title 6, Chapter 4, Section 50, of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.04.050:** Businesses within the following licensing categories shall pay a one hundred fifty
25 dollars annual business license fee, as set forth below:

26 **Armored car service**, which is a business that provides for hire the transportation of money, currency,
27 bank notes, money orders, bonds, notes, gaming chips and other valuable property, instruments or
28 documents.

1 **Artist [or art studio]**, which is any person who produces art for profit. The category does not include
2 contractors, designers, and painters (those who paint signs or other structures).

3 **[Assayer**, which is any person engaged in estimating or analyzing the value of metals, whether acting
4 as an owner, officer, associate, member or employee of a business.]

5 **Automobile detailing**, which is any mobile business engaged in the washing, waxing, cleaning or
6 detailing motor vehicles by means of human effort rather than by mechanical means. [The category
7 includes such a business whether it is conducted from a stationary location or from a mobile vehicle.]

8 **Automobile towing service**, which is a business engaged in towing motor vehicles. The category
9 does not include any service station or garage which, as an incident to providing repairs, tows
10 automobiles to its place of business to make such repairs.

11 **Bookkeeper**, which is any business or person, other than a certified public accountant or public
12 accountant, engaged in providing the service of recording the accounts, transactions or preparation of
13 tax returns on behalf of another business or person.

14 **Business support service**, which is any business that performs for one or more other businesses a
15 service that is generally performed internally to a business, including without limitation billing,
16 mailing, printing, customer service evaluations, the processing of claims or other paperwork, resident
17 agent, holding company or other miscellaneous support services[, and maintenance services that do
18 not require a contractor's license].

19 **Carwash**, which is a stationary business that offers services to clean cars by either coin operation[,]
20 or direct payment [or mobile car wash services], whether or not it is operated in conjunction with
21 another business. The services offered may include the washing, waxing, cleaning and detailing of
22 motor vehicles by human effort.

23 **Concrete pumping**, which is any business that provides to construction projects equipment that is
24 used to pump or disperse concrete products.

25 **Construction cleanup**, which is any business that removes construction materials from construction
26 sites for transportation to a disposal site. For purposes of this category, "construction materials"
27 includes without limitation wood, plaster, metals, asphaltic substances, brick, block, concrete,
28 excavation dirt, rock, stone and gravel.

1 **Contract labor service**, which is any person who, by contract, supplies employees to perform
2 temporary labor services (and only temporary labor services) for another under circumstances in which
3 the individuals performing the labor do not become employees of the recipient of the services.

4 **Designer-decorator**, which is any person who specializes in the planning or execution of the layout,
5 decorations or furnishing for any interior structure, including advice related to or sales of decorator
6 items, window and wall coverings or furnishings.

7 **Draftsman**, which is any person who prepares drawings or sketches of structures, but who is not
8 acting as an architect under NRS Chapter 623.

9 **[Factoring business**, which is any business that lends money and takes in return an assignment of
10 accounts receivable for collection.

11 **Financial investment advisor**, which is any person who, for compensation, advises others as to the
12 value of securities, promulgates or issues analyses or reports concerning securities in accordance with
13 NRS Chapter 90, or provides advice for investing in, purchasing or selling securities or other similar
14 investments.]

15 **Party planning service**, which is any business that plans parties or provides at party locations any of
16 the following services or similar services: disc jockey, clown singing telegrams, or karaoke. The
17 category does not include any business whose primary function is to provide for the supervision, care
18 or control of children.

19 **Permanent makeup**, which is any business that enhances or alters facial characteristics by inserting
20 indelible pigment under the skin or by the production of scars.

21 **Personal services**, which is any business that provides personal services, including without limitation
22 a wake-up service, reminder service, errand service, vehicle registration service, personal chef or cook
23 service, or shopping service. The category does not include any service that is designated or included
24 in another category identified in this Title.

25 **Rental referral service**, which is any person who provides a listing or referral service for the rental
26 of apartments, equipment, or other types of rentals. The category does not include any person or
27 business that is required to be licensed under NRS Chapter 645.

28 **Riding horse rental**, which is any person who provides riding horses for rent or provides boarding,

1 stabling or training for riding horses.

2 **School**, which is any institution or place of education or instruction, or any individual acting as a tutor,
3 facilitator, trainer or otherwise providing instruction in a skill, [who is governed by the provisions of
4 NRS Chapter 394,] except for an institution or individual offering post-secondary education.

5 **[Securities/mutual fund sales representative**, which is any person, other than a securities broker/
6 dealer or issuer, who is licensed or required to be licensed in accordance with NRS Chapter 90 and
7 who effects or attempts to effect purchases or sales of securities.]

8 **Sewer or septic drain cleaning**, which is any business that cleans sewers, drains or septic systems
9 and that does not require a State contractor's license.

10 **Shooting range**, which is any business that operates a weapons range for practice, competition,
11 training or instruction other than a law enforcement agency.

12 **Sign painting establishment**, which is any person who engages in the business of painting signs but
13 who is not required to have a State contractor's license.

14 **[Stenographer**, which is any person, other than a certified shorthand reporter or court reporter, who
15 engages in the business of typing documents for the general public or for persons other than himself
16 or his immediate employer.]

17 **Tattoo establishment**, which is any business that places indelible marks and figures upon the body
18 by inserting pigment under the skin or by the production of scars.

-19 **Tennis/handball/racquetball court**, which is any business that offers to the public the use of playing
20 courts for any of the sports enumerated. The fee amount shall be charged for the first playing court
21 used in the business, with a twenty dollar annual fee to be charged for each additional playing court.

22 **Tour or tour guide**, which is any business that conducts tours or provides tour guides services to the
23 general public and is not regulated by the Nevada Transportation Services Authority.

24 **Tree trimmer**[. Each person conducting the business of tree trimming shall maintain on file with the
25 Department a certificate of insurance issued by an insurance company authorized to do business in the
26 State which shows that such person has insurance coverage of twenty-five thousand dollars total
27 liability for each occurrence, and ten thousand dollars bodily injury coverage for each person.], which
28 is any person who offers to the public tree trimming services. Each tree trimmer shall have on file

1 with the Department a certificate of insurance in an amount determined by the Director as proof for
2 property damage and bodily injury.

3 **Valet parking**, which is any person engaged in providing for customers the service of parking private
4 vehicles in a designated area. The category does not include any person who provides parking services
5 for the customers of a business and is employed by that business.

6 **Vocational rehabilitation counselor**, which is any person who is licensed or required to be certified
7 in accordance with NRS Chapter 615 and who provides the service of counseling clients relative to
8 labor market assessments, job development, job assessments or employer consultation in the area of
9 industrial or vocational rehabilitation within the health care industry.

10 SECTION 23: Title 6, Chapter 4, Section 60, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.04.060:** Businesses within the following licensing categories shall pay a two hundred dollars
13 annual business license fee, as set forth below:

14 **Adult day care facility**, which is an establishment operated and maintained to provide care, for not
15 more than twelve hours at a time, on a temporary or permanent basis for aged or infirm persons.

16 **Advertising [business] or marketing service**, which is any business engaged in the act of designing,
17 producing and disseminating information to the general public, including public relations activities
18 on behalf of persons or businesses.

19 Auto broker, which is any person who, for a fee or any other consideration, offers to provide to
20 another person the service of arranging, negotiating or assisting in the purchase of a new or used
21 vehicle which has not been registered by the broker.

22 **Automobile leasing**, which is any business that leases automobiles or any other kind of motor vehicle
23 that is required to be licensed by the Department of Motor Vehicles and Public Safety.

24 **Babysitting service**, which is any business whose employees are sent to a home or lodging
25 establishment to care for one or more children who reside there. Each principal of the business and
26 each employee that provides care must obtain a work card pursuant to LVMC Chapter 6.86 and a
27 health card pursuant to regulations of the [Clark County] Health District.

28 **Bail agent or bail enforcement agent**, which is any person who is authorized, employed or

1 contracted by a surety or bail agent to do any of the following:

2 (A) Solicit bail transactions;

3 (B) Execute or countersign undertakings of [ball]bail;

4 (C) Pledge currency, money orders or cashier's checks as security for a [ball]bail
5 bond in connection with judicial proceedings and receive or be promised money or other things of
6 value therefor;

7 (D) Enforce the terms and conditions of a defendant's release from custody on bail
8 in a criminal proceeding; or

9 (E) Locate, apprehend, or surrender a defendant to custody. Each bail agent and
10 bail enforcement agent is required to have an appropriate State license issued in accordance with NRS
11 Chapter 697 before doing business in the City.

12 **Body piercing**, which is any business that pierces the skin for the purpose of inserting rings, loops,
13 studs or other implements, or which engages in the sale of those items for use in connection with body
14 piercing.

15 **Environmental analysis**, which is any business that tests or analyzes the quality or content of soil,
16 water, atmosphere, or other elements related to the environment.

17 **Health and fitness club**, which is any business that is open to the general public and that provides
18 the use of equipment or facilities for the maintenance or development of physical fitness or the control
19 of weight. [The term does not include any business that sells memberships.]

20 **Insurance adjuster**, which is any person who is licensed or required to be licensed as an adjuster
21 under NRS Chapter 684A and who receives compensation for acting as an adjuster, whether acting
22 as an owner, officer, associate, member or employee of a business.

23 [**Insurance broker**, which is any person who is licensed or required to be licensed as a broker under
24 NRS Chapter 683A and who receives compensation for acting as a broker, whether acting as an
25 owner, officer, associate, member or employee of a business.]

26 **Managed health care organization**, which is any person who provides, arranges, pays for, or
27 reimburses for the provision of any element of health care services and who controls the amounts to
28 be paid to health care providers by a managed care program.

1 **Management or [marketing] consulting service**, which is any person or firm that conducts
2 budgeting, [marketing or management counseling or consulting services] management counseling,
3 consulting service or promoting for another.

4 **Merchandise broker**, which is any person who acts as an agent for others in negotiating contracts,
5 purchases, the sale of goods, wares or services and who does not take possession of the merchandise.

6 **Photography business**, which is any business that takes photographs for eventual sale to a client or
7 customer of the business.

8 **Remote motor vehicle rental**, which is an automobile ticket rental agency or transportation rental
9 agency location with no vehicles on site.

10 **Residential facility for groups**, which is a facility as defined in NRS 449.017.

11 **Residential home care provider**, which is any person who provides or contracts to provide medical
12 supervision, general care, nursing or housekeeping services to the sick, injured or dependent within
13 a home setting, whether on a temporary or permanent basis.

14 **Sales or service agent or representative**, which is any person who sells, solicits, negotiates, offers
15 or performs on behalf of another person the transaction of any instrument or finance related service,
16 including but not limited to insurance, financial or investment advice, securities or similar activities,
17 whether the instrument or service is in possession of the agent or representative and whether the agent
18 or representative is an employee or under contract to perform these activities.

19 **Wire service**, which is any person who engages in the business of transmitting or receiving
20 [information or] funds by means of a communication system in which the transmission and reception
21 stations are directly connected by one or more telephones or computers.

22 **Youth employment organization**, which is any for-profit or nonprofit organization whose primary
23 purpose is to hire minors to sell a product or service, either door-to-door or at a fixed location.
24 Principals of an organization must obtain a work card pursuant to LVMC Chapter 6.86. Each
25 organization must comply with State Labor Commission regulations and must first obtain the written
26 consent of the parent or legal guardian of each minor before they are hired.

27 SECTION 24 Title 6, Chapter 4, Section 65, of the Municipal Code of the City of Las
28 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.04.065:** (A) Unless otherwise provided in this Chapter, each professional business located
2 in the City shall pay an annual business license fee, based on the number of professionals it employs,
3 at the rate of two hundred dollars for the first professional and one hundred and fifty dollars for each
4 additional professional. For administrative purposes, the City may opt to bill for these business
5 license fees on a semiannual basis.

6 (B) Each professional business located outside of the City and which does business
7 in the City shall pay an annual business license fee of two hundred dollars.

8 (C) In accordance with Section 6.04.005, each professional business shall pay a
9 semiannual business license fee based on its gross sales of products or services within the City not
10 related to or required in the performance of professional services.

11 (D) Each professional business shall pay whichever is greater, an annual license fee
12 based on its gross revenue or a license fee based on a flat amount per professional employee pursuant
13 to Subsection (A) of this Section if there are more than one hundred professional employees working
14 for the professional business.

15 SECTION 25: Title 6, Chapter 4, Section 80, of the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.04.080:** Businesses within the following licensing categories shall pay a three hundred dollars
18 annual business license fee, as set forth below:

19 **Answering message service**, which is any person who provides services such as telephone answering,
20 forwarding, message taking, paging or voice mail services.

21 **Appraiser**, which is any person, other than a real estate appraiser [or assayer], who estimates the
22 worth or features of an item of personal property.

23 **Collection agency**, which is any person that is licensed or required to be licensed as a collection
24 agency under NRS Chapter 649.

25 **Credit reporting agency**, which is a person described in NRS 598C. 100(1). The fee amount shall
26 be charged for each office location.

27 **Mini warehouse**, which is any person who operates a facility divided into individual spaces as an
28 owner, officer, associate, member or employee of a business.

1 **Radio station**, which is any establishment located in the City that is licensed or required to be licensed
2 by the Federal Communications Commission and is engaged in the commercial transmission of radio
3 broadcasting by means of electromagnetic signals over public airways, public airwaves, public
4 spectrum or by means of a site available over the Internet.

5 **Warehouse or storage**, which is any person who engages in the business of storing the personal
6 household goods and effects of another, and who holds himself out to the public as providing such
7 storage.

8 SECTION 26: Title 6, Chapter 4, Section 110, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.04.110:** Businesses within the following licensing [categories] category shall pay a six
11 hundred-sixty dollars annual business license fee, as set forth below:

12 [**Commodity brokerage**, which is any establishment engaged in the business of effecting transactions
13 in commodity options as defined in NRS 91.100, whether as broker-dealers, agents or issuers as those
14 terms are defined in NRS Chapter 91.

15 **Securities or mutual fund broker/dealer**, which is any person engaged in the business of effecting
16 securities transactions for the account of another or for his own account in accordance with NRS
17 Chapter 90.

18 **Stockbrokerage**, which is any establishment engaged in the business of effecting transaction in
19 securities as defined in NRS 90.295.]

20 **Commodity or securities broker or dealer**, which is any person engaged in the business of effecting
21 transactions in commodity options or securities transactions.

22 SECTION 27: Title 6, Chapter 4, Section 140, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.04.140:** Businesses within the following licensing categories shall pay a one thousand dollars
25 annual business license fee, as set forth below:

26 [**Bank**, which is any corporation, including a commercial bank or a banking corporation, that is under
27 a State or Federal charter and that conducts the business of receiving money as demand deposits or
28 otherwise carrying on a banking and trust business. The fee amount shall be charged to each principal

1 banking facility and each branch facility thereof. Savings and loan association, which is any
2 cooperative association organized and licensed under NRS Chapter 673. The fee amount shall be
3 charged to each principal facility and branch facility thereof.]

4 **Bank, commercial bank or banking corporation**, which is any establishment, whether chartered
5 by the State or Federal government, conducting the business of receiving money as demand deposits
6 or otherwise carrying on banking or banking trust business. The fee shall be charged to each principal
7 facility and branch facility thereof.

8 **Non-depository lender**, which is any person who is licensed or required to be licensed under NRS
9 Chapter 604A to operate a check-cashing service, deferred deposit loan service, high-interest loan
10 service, or title loan service.

11 **Thrift company**, which is any company licensed as such under NRS Chapter 677. The fee amount
12 shall be charged to each principal facility and branch facility thereof.

13 **Time-share project broker**, which is any person defined as such in NRS [1 19A.090.] 119A.090.

14 **Time-share representative**, which is any person defined as such in NRS [1 19A.120.] 119A.120.

15 **Time-share sales agent**, which is any person defined as such in NRS [1 19A.130.] 119A.130.

16 SECTION 28: Title 6, Chapter 4, of the Municipal Code of the City of Las Vegas,
17 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
18 6.04.190, to read as follows:

19 **6.04.190:** Each gasoline station, service station, or gasoline, diesel, motor vehicle fuel sales
20 outlet, shall pay a license fee of one dollar per one thousand gallons of gasoline, diesel or motor
21 vehicle fuel sales made during the previous semiannual period; provided however, the minimum
22 semiannual license fee under this Section shall be three hundred dollars. Nothing in this Section shall
23 exempt any gasoline station, service station, or gasoline, diesel, motor vehicle fuel sales outlet from
24 paying a license fee based on gross sales pursuant to Section 6.04.005 for sales of services, including
25 labor, and sales of goods other than gasoline, diesel or motor vehicle fuel.

26 SECTION 29: Title 6, Chapter 6, Section 50, of the Municipal Code of the City of Las
27 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.06.050:** (A) The City Council may grant preliminary approval of an application for a license

1 when such approval is requested by an applicant for any good and sufficient reason.

2 (B) The Council may impose requirements on any such preliminary approval, and
3 the Department [of Business Activity] shall issue the license only after all requirements are satisfied.

4 (C) All such requirements must be satisfied and the license issued within six
5 months after the date of the preliminary approval unless the Council specifies a shorter or longer
6 period in its preliminary approval.

7 SECTION 30: Title 6, Chapter 6, Section 51, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.06.051:** (A) At the request of an applicant, [The] the City Council or, as authorized by
10 Subsection (C)), the Director may grant a temporary license pending [its] the Council's decision
11 regarding a license application in order to determine:

12 (1) The applicant's fitness for a license; and

13 (2) The appropriateness of the applicant's business location.

14 (B) A temporary license shall not be granted under this Section unless:

15 (1) All principals required to be approved for suitability have submitted a
16 complete investigation packet for determination of suitability and paid all applicable fees;

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

19 (3) The applicant has submitted a completed and accurate license
20 application and has paid [all] a non-refundable two-hundred dollar temporary license processing fee,
21 in addition to all other required application fees.

22 (C) The Director shall have the authority to issue temporary licenses under this
23 Section for business licenses within the following categories:

24 (1) Ice cream truck;

25 (2) Mobile food vendor; and

26 (3) Reflexology.

27 SECTION 31: Title 6, Chapter 6, Section 100, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.06.100:** [Each applicant shall pay to Metro, at the time of filing an application for a license, or
2 an approval for suitability, the following nonrefundable investigation fee deposits:

3 (A) For a license \$200.00;

4 (B) For an approval of suitability \$150.00.] Each applicant shall pay the following
5 non-refundable fee deposits at the time of filing an application for a license or approval for suitability
6 with the Department:

7 (A) Two hundred dollars made payable to Metro for investigation of a license
8 application.

9 (B) One hundred-fifty dollars made payable to Metro for investigation of an
10 approval for suitability application.

11 (C) One hundred dollars made payable to the Department for processing an
12 application for a business license or approval for suitability.

13 SECTION 32: Title 6, Chapter 6, Section 110, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.06.110:** After receipt of the completed application for a license or approval [of] for suitability,
16 the Director [may] shall refer the matter to Metro for [further] investigation. Upon completion of the
17 investigation, the Director shall submit the application to the City Council for its actions. In the event
18 the City Council has issued a temporary license pursuant to this Chapter, the Director may upon
19 receipt of Metro's completed investigation submit the application for a license to the City Council for
20 its action at any time prior to the expiration of the temporary license.

21 SECTION 33: Title 6, Chapter 6, Section 130, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.06.130:** [Notwithstanding Section 6.06.050, the Director of Business Activity in his discretion
24 may waive a principal from the requirement of an approval for suitability if in his opinion the principal
25 is so far removed from the operation of the business that he will not likely exercise significant
26 influence over the business. Any principal who has been so waived may later be required at the
27 discretion of the Director to apply and be found suitable in order to continue his association with the
28 business.] Notwithstanding Section 6.06.050, the Director may waive one or more principals from the

1 requirement of approval for suitability, provided that at least one principal other than a manager must
2 be subject to the requirement of an approval for suitability. Any principal who has been so waived
3 may later be required at the discretion of the Director to apply and be found suitable in order to
4 continue his or her association with the business.

5 SECTION 34: Title 6, Chapter 6, Section 150, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.06.150:** The Director, in considering whether to waive a principal, may require:

8 (A) Personal identification information;

9 (B) A written request from a managing officer or partner of the business setting
10 forth sufficient information as to the principal's responsibilities and authority with the licensee or
11 proposed licensee; and

12 (C) A [fifty] seventy-five dollar non-refundable waiver fee, payable in advance, for
13 each principal requesting a waiver.

14 SECTION 35: Title 6, Chapter 6, Section 160, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.06.160:** Any person whose license or approval for suitability has been denied, cancelled or
17 revoked as part of the City's disciplinary process may not apply for a license or approval for suitability
18 until one year following the effective date of such action.

19 SECTION 36: Title 6, Chapter 6, Section 195, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.06.195:** (A) It shall be unlawful for any licensee subject to this Chapter or any employee or
22 agent of said licensee to pay any fee, tip, gift, or gratuity of any kind to any taxicab driver for the
23 delivery of any passenger to the business location of the licensee. This Section does not apply to
24 promotional packages or arrangements whereby a licensee pays a tip or gratuity directly to a taxicab
25 company in advance as part of the promotional package or arrangement.

26 (B) Any person who is convicted of violating [subsection] Subsection (A) of this
27 Section shall be punished by a fine of not less than two hundred fifty dollars nor more than one
28 thousand dollars or by imprisonment for a term of not more than six months, or by any combination

1 of such fine and imprisonment.

2 SECTION 37: Title 6, Chapter 6, Section 200, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.06.200:** (A) The applicant has a continuing duty and obligation to notify the Department in
5 writing within fifteen days of additions, deletions, changes or modifications in the information
6 furnished the Department and this duty continues as long as a valid license or approval for suitability
7 remains in effect.

8 (B) The Director shall send a written notice requiring that an application for a new
9 business license be filed by a licensee if the Director determines that the reported changes in the
10 information from that contained in the licensee's original application or subsequent information
11 updates constitutes a substantial change in the business operations from those originally or
12 subsequently approved.

13 (C) A licensee shall file a new business license application with the Department
14 within fifteen days after receiving the Director's written request. Upon receipt of the new application,
15 the Director shall place it on the next available City Council agenda for review and action, subject to
16 the requirements of the Nevada open meeting law.

17 (D) The Director may require a licensee to suspend its altered business operations
18 until the City Council has acted upon a licensee's new license application. Notice of the suspension
19 shall be included in the notice required pursuant to Subsection (B) of this Section.

20 (E) A licensee shall not continue or resume its altered operations if the City Council
21 finds that they are in violation of the provisions of LVMC 6.02.090 and 6.02.330 through 6.02.350
22 or for other good cause they should not be permitted.

23 SECTION 38: Title 6, Chapter 6, Section 210, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.06.210:** Prior approval must be obtained from the City Council for a licensee or a holder of
26 approval for suitability to do any of the following acts:

27 (A) Convey the license from one person to another;

28 (B) Change the location of a license from one premises to another premises within

1 the City limits;

2 (C) Change the name of the business operating under a license; or

3 (D) Transfer any ownership interest or voting control to a person who, because of
4 the transfer, would be required to be approved for suitability.

5 SECTION 39: Title 6, Chapter 6, Section 230, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.06.230:** Any person who has ownership interest in or voting control of the licensee equal to or
8 greater than ten percent of the entire ownership or voting control of a licensee must notify the
9 Department within fifteen days of subjecting such ownership interest or voting control to any security
10 interest or other encumbrance.

11 SECTION 40: Title 6, Chapter 6, Section 250, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.06.250:** (A) A licensee may be subject to disciplinary action as set forth in Sections 6.02.330
14 through 6.02.360.

15 (B) A principal approved for suitability may be subject to disciplinary action by the
16 City Council for good cause, which may include, but is not limited to:

17 (1) The application is incomplete or contains false, misleading or fraudulent
18 statements with respect to any information required in the application;

19 (2) The principal fails to satisfy any qualification or requirement imposed
20 by this Code, or other local, State or Federal law or regulation pertaining to the particular approval for
21 suitability sought or held;

22 (3) The principal illegally resides in the United States;

23 (4) The principal is or has engaged in a business, trade or profession without
24 a valid license, permit, approval for suitability or work card when he knew that one was required or
25 under such circumstances that he reasonably should have known one was required;

26 (5) The principal has been subject, in any jurisdiction, to disciplinary
27 action of any kind against a license, permit, approval for suitability or work card to the extent that such
28 disciplinary action reflects on the qualification, acceptability or fitness to be approved for suitability;

1 (6) The principal has committed acts which would constitute a crime
2 involving moral turpitude or involving any Federal, State or local law or regulation relating to the
3 same or a similar business;

4 (7) When substantial information exists which tends to show that the
5 principal is dishonest or corrupt;

6 (8) The principal lacks sufficient financial, technical or educational ability
7 or experience to conduct or perform the activity for which approval for suitability is sought;

8 (9) The principal, or his or her employees or those acting on their behalf,
9 violates any condition upon which approval for suitability was granted;

10 (10) The principal has engaged in deceptive practices upon the public; or

11 (11) The principal suffers from a legal disability under the laws of the State.

12 SECTION 41: Title 6, Chapter 6, Section 290, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.06.290:** A licensee who is affected by an emergency order issued under Section 6.06.270 may
15 appeal the order by filing an appropriate action in the State of Nevada District Court to challenge or
16 seek review of the order. Such action to appeal must be filed within ten calendar days after the
17 effective date of the emergency order or the right to appeal is deemed waived.

18 SECTION 42: Title 6, Chapter 6, Section 300, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby repealed.

20 SECTION 43: Title 6, Chapter 6A, Section 15, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.06A.015:** No person, firm or corporation shall perform the services of, or conduct, manage or
23 engage in the business or selling books, magazines, periodicals, news publications, films, tapes or
24 discs without first obtaining a license from the Director [of the Department of Finance and Business
25 Services]. Licensed grocery stores, drugstores, convenience stores, and gift shops with a newsstand
26 selling periodicals, magazines and newspapers, incidental to food and drug items are exempted from
27 the provisions of this Chapter, provided they do not sell or offer for sale books, magazines,
28 periodicals, news publications, films, tapes or discs which are obscene or which are distinguished or

1 characterized by their emphasis on matter depicting, describing or relating to specified sexual
2 activities, or specified anatomical areas.

3 SECTION 44: Title 6, Chapter 6A, Section 20, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.06A.020:** After receipt and review of the application, the Director shall issue a license if:

6 (A) The business for which a license is required in this Chapter will be carried on
7 in a building, structure and a location which complies with the requirements and meets the standards
8 of the health, zoning, fire and safety laws [of the State of Nevada and ordinances of the City of Las
9 Vegas] and ordinances of the State and City applicable thereto; and

10 (B) The applicant, its employee, agent, partner, director, officer, stockholder or
11 manager has not knowingly made any false, misleading or fraudulent statement of material fact in the
12 application for permit, or in any report or record required to be filed with the Department [of Finance
13 and Business Services].

14 SECTION 45: Title 6, Chapter 6A, Section 30, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.06A.030:** For the purpose of ensuring the proper zoning of adult bookstores, all bookstores shall
17 keep a record of the sales of all books, magazines, films, tapes, discs and other periodicals. The
18 records so required shall categorize such sales as either adult or nonadult. Sales are classified as adult
19 if the particular book, magazine, film, tape, disc or other periodical is distinguished or characterized
20 by emphasis on matter depicting, describing or relating to specified sexual activities or specified
21 anatomical areas, and the record shall include the sales price of each such adult or nonadult item. The
22 sales records shall be maintained for a period of thirty-six months from the date of sale for purposes
23 of auditing by the Department [of Finance and Business Services]. Exempted from this requirement
24 are adult bookstores located in C-M and M districts which have received zoning approval, [pursuant
25 to LVMC 19.74; or which operate pursuant to nonconforming uses which satisfy the requirements
26 specified in LVMC 19.74.040.] or which otherwise satisfy the requirements of Title 19.

27 SECTION 46: Title 6, Chapter 6B, Section 50, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.06B.050:** (A) Application for an adult nightclub license shall be made to the Director [of the
2 Department of Finance and Business Services].

3 (B) An application for adult nightclub license shall be verified by the applicant and
4 shall contain or set forth the following information:

5 (1) The name, address, telephone number, principal occupation and age of
6 the applicant;

7 (2) The name, address and principal occupation of the managing agent or
8 agents of the business;

9 (3) The business name, business address and business telephone number
10 of the establishment or proposed establishment together with a description of the nature of the
11 business and magnitude thereof;

12 (4) Whether the business or proposed business is the undertaking of a sole
13 proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the
14 name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the
15 application shall set forth the names, addresses, telephone numbers, principal occupations and
16 respective ownership shares of each partner, whether general, limited or silent. If a corporation, the
17 application shall set forth the corporate name, a copy of the articles of incorporation, and the names,
18 addresses, telephone numbers and principal occupations of every officer, director and shareholder, and
19 the number of shares held by each;

20 (5) The names, addresses, telephone numbers and principal occupations of
21 every person, partnership or corporation having any interest in the real or personal property utilized
22 or to be utilized by the business or proposed business or having any right or interest to any portion of
23 the profits, or receiving or having the right to receive any payment from the business which is not
24 directly related to utility costs;

25 (6) A description of all other business enterprises (sales or services) which
26 shall occur on the premises; and

27 (7) Whether the applicant, anyone having a ten-percent interest in the
28 business or proposed business, or anyone having an interest in the real property or personal property

1 utilized or to be utilized by the business or proposed business or anyone having a right to ten percent
2 of the proceeds of the business other than utilities has:

3 (a) Ever been convicted of or forfeited bail for any crime, excluding
4 minor traffic offenses and, if so, the application shall state the person involved, the charge, date, court,
5 and disposition of the charges,

6 (b) Ever had a business license denied, revoked or charges filed
7 therefor, and if so, the application shall state the person involved, the name of the business, date,
8 jurisdiction, and outcome of any hearing, or

9 (c) Ever owned, operated, been employed by a swingers club, an
10 escort service, an outcall promoter establishment, a brothel or adult nightclub, and if so, the name of
11 the business, dates involved and position or interest therein.

12 (C) The applicants shall present themselves to [the Las Vegas Metropolitan Police
13 Department] Metro for investigation and fingerprinting and shall pay such investigation and
14 fingerprint fee as is required by LVMC 6.86, and shall reveal to [the Las Vegas Metropolitan Police
15 Department] Metro such information as is required to properly identify the applicant to enable the
16 investigation of the applicant's arrests and convictions, licensing and litigation record and verify the
17 accuracy and completeness of the application.

18 (1) In all cases where the applicant for a license is a corporation, it shall be
19 necessary for all of the officers of such corporation to present themselves for investigation and
20 fingerprinting. All stockholders with ten percent or more stock, or who exercise management or
21 control of the corporation are required to present themselves for investigation and fingerprinting.

22 (D) An adult nightclub license shall be a semiannual license renewable by payment
23 of semiannual license fees as found in LVMC 6.06B.100.

24 SECTION 47: Title 6, Chapter 6B, Section 60, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.06B.060:** (A) The Director [of the Department of Finance and Business Services] shall issue
27 or deny the license to the applicant within thirty days from the receipt of a complete application and
28 fees upon compliance with all the requirements and conditions of this Chapter. Failure of the Director

1 to approve or deny the license application within the thirty days shall result in the license being
2 granted.

3 (B) The Director shall consider the application by examination of:

4 (1) The circumstances of the applicant's criminal reputation, associations
5 and business history;

6 (2) The reports of [the Las Vegas Metropolitan Police Department] Metro;

7 (3) The proposed business operation of the applicant; and

8 (4) The reports of the building, fire, zoning and health departments.

9 (C) The Director shall not grant the license if:

10 (1) The applicant, whether an individual or any of the stockholders, officers
11 or directors, if a corporation, or any of the partners, if a partner-ship, including limited partners, or the
12 manager or other person principally in charge of the operation of the business, or any person receiving,
13 or having a right to receive any sum from, or percentage of the profits due to an interest in or sale of
14 the business, has been convicted within a five-year period immediately prior to the date of the
15 application of crimes of embezzlement; or any crime involving fraud, consumer fraud or intent to
16 defraud, or extortion; or has violated the law regarding fraudulent advertising;

17 (2) The operation as proposed by the applicant would not comply with all
18 applicable laws, including, but not limited to, this Title and the City's building, zoning, fire and health
19 regulations; or

20 (3) The applicant, whether an individual or any of the ten percent
21 stockholders or officers, if a corporation, or any of the partners, if a partnership, including limited
22 partners, or the manager or other person principally in charge of the operation of the business, or any
23 person receiving, or having a right to receive any sum from, or percentage of the profits due to an
24 interest in or sale of the business, has had a business license revoked pursuant to LVMC 6.35 (Erotic
25 Dance Establishments), 6.36 (Escort Bureau), 6.57 (Outcall Entertainment), and [19.74] 19.04
26 (Sexually Oriented Businesses), or this Chapter within a two-year period immediately prior to the date
27 of the application.

28 (D) If the applicant is denied, the Director shall notify the applicant with the

1 reason(s) stated for denial. Notification shall be sent certified, United States mail, return receipt
2 requested, to the address provided on the license application which shall be considered the correct
3 address. Each applicant has the burden to furnish any change of address to the Director, by United
4 States certified mail, return receipt requested.

5 (E) In the event that an application is denied, the applicant may file or cause to be
6 filed in the district court a petition for judicial examination of the validity of the denial or the adult
7 nightclub establishment license as provided by Chapter 34 of NRS.

8 SECTION 48: Title 6, Chapter 6B, Section 70, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.06B.070:** No person shall work as an attendant or server at an adult nightclub without a valid
11 work [identification] card issued by [the Las Vegas Metropolitan Police Department] Metro.

12 SECTION 49: Title 6, Chapter 6B, Section 80, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.06B.080:** (A) Each attendant and server, whether a full- or part-time employee, who works
15 or renders services in a licensed adult nightclub establishment, shall obtain prior to the commencement
16 of work, and keep in force during the term of his/her license or employment, a work [identification]
17 card for adult nightclub issued under LVMC 6.86 and 6.06B. The investigation of issuance of a work
18 [identification] card will include a fingerprint check by the Federal Bureau of Investigation. Work
19 [identification] cards applied for pursuant to this Chapter shall be granted or denied within ten
20 working days of application subject to the provisions of LVMC 6.86.080.

21 (B) [The Las Vegas Metropolitan Police Department] Metro may deny the issuance
22 of or renewal of a work [identification] card required by this Chapter for the following reasons:

23 (1) The applicant has made false, misleading or fraudulent statements with
24 respect to any material fact contained in the application for a work [identification] card;

25 (2) The applicant has been convicted of any crimes involving fraud,
26 consumer fraud or intent to defraud, prostitution, solicitation of prostitution, or has violated the law
27 regarding fraudulent advertising within two years of application for this specific work card;

28 (3) The applicant has violated code regulations, as set out within LVMC

1 6.06B.090, or has had a business license revoked pursuant to LVMC 6.35 (Erotic Dance
2 Establishments), 6.36 (Escort Bureau), 6.57 (Outcall Entertainment), [19.74] 19.04 (Sexually Oriented
3 Businesses), or this Chapter within two years of the application for this specific work card;

4 (4) A work [identification] card of the applicant has previously been
5 revoked within one year of the date of application pursuant to LVMC 6.35 (Erotic Dance
6 Establishments), 6.36 (Escort Bureau), 6.57 (Outcall Entertainment), [19.74] 19.04 (Sexually Oriented
7 Businesses), or this Chapter, or the issuance or renewal thereof has been denied by the City [of Las
8 Vegas] or any other government entity within one year of the date of application for any reason set out
9 in paragraphs (1), (2) or (3) above.

10 (C) Any work [identification] card issued for this Chapter may only be suspended
11 or revoked for grounds set forth in Subsections above pursuant to the procedures set forth in
12 LVMC 6.86.

13 SECTION 50: Title 6, Chapter 6B, Section 85, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.06B.085:** The following persons are required to secure work [identification] cards in accordance
16 with LVMC 6.86:

17 (A) All security guards working in or employed by an adult nightclub must obtain
18 a work [identification] card pursuant to LVMC 6.86. In addition to the grounds stated in LVMC 6.86,
19 a work [identification] card may be denied for conviction of assault, battery, fraud or conspiracy to
20 commit any such crime. Security guards in adult nightclubs shall not carry firearms, knives,
21 nightsticks, clubs, or chemical or electronic weapons.

22 (B) All owners if applicants are individual; stockholders owning ten percent or
23 more stock, officers and directors, if applicant is a corporation; and partners, including limited and
24 general partners, if applicant is a partnership; and manager or other person principally in charge of the
25 operation of the business, must obtain a work [identification] card from the Las Vegas Metropolitan
26 Police Department, as required in LVMC 6.86. A work [identification] card may be denied for any
27 grounds set out in LVMC 6.86. A work [identification] card may be denied for any grounds set out
28 in LVMC 6.06B.060(C)(1) or (3) or LVMC 6.06B.080(B).

1 SECTION 51: Title 6, Chapter 6B, Section 110, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.06B.110:** (A) The [Las Vegas] City Council shall not act to revoke or suspend an adult
4 nightclub license until after:

5 (1) The licensee is given at least ten days['] written notice of the specific
6 charges;

7 (2) A hearing is held before the [Las Vegas] City Council at which time the
8 licensee may present such evidence and defense as may bear upon the question.

9 (B) The adult nightclub license shall be revoked or suspended if the licensee
10 maintains or conducts business in any building or structure which is structurally unsafe, or does not
11 provide adequate egress, or which constitutes a fire hazard, or which is otherwise dangerous to human
12 life or safety, or which in relation to existing use constitutes a hazard to safety or health, or public
13 welfare, by reasons of inadequate maintenance, dilapidation or obsolescence.

14 (C) The adult nightclub license shall be revoked or suspended if the licensee has
15 knowingly made any false, misleading or fraudulent statement of material fact in the application for
16 a license or in any semiannual report required to be filed with the Department (LVMC 6.06B.100) or
17 record required to be kept for three years (LVMC 6.06B.100) or knowingly caused or suffered another
18 to furnish such false, misleading or fraudulent information or withhold such required information on
19 his, her or its behalf.

20 (D) Any license issued pursuant to this Chapter may be revoked or suspended upon
21 a finding that the licensee, its agent, employee, attendant, server, partner, director, officer, stockholder,
22 manager or person exercising managerial authority of or on behalf of the licensee has:

23 (1) Committed an act for which the licensee is convicted or found guilty
24 or liable in any court subsequent to the filing of an application for a license, of a felony or any crime
25 involving moral turpitude, fraud, deception, false pretenses, misrepresentation, false advertising,
26 prostitution, solicitation of prostitution, aiding and abetting an act of prostitution as defined in LVMC
27 10.36, violation of NRS 201.255 or 47 U.S.C. 233, pandering, crime related to racketeering, or
28 racketeering activity or racketeering enterprise as defined in NRS 207.360, et seq., or dealing

1 controlled substances;

2 (2) Provided sexual stimulation or offer to provide acts of sexual conduct
3 to a patron of the adult nightclub establishment;

4 (3) Failed to file, or files a false, misleading or incomplete report required
5 by this Chapter to be filed, or files such report thirty or more days after the due date;

6 (4) Violated any regulation set out in this Chapter;

7 (5) That the licensee has conducted or advertised an adult nightclub under
8 a fictitious name which is unlicensed pursuant to this Chapter;

9 (6) Published, uttered, disseminated or conveyed either publicly or
10 privately, to an individual any false, deceptive or misleading statements or advertisements in
11 connection with the operation of the licensed business pursuant to this Chapter;

12 (7) Committed any act constituting dishonesty or fraud, or committed any
13 unlawful, false, fraudulent, deceptive or dangerous act while conducting the licensed business; or

14 (8) Advertised through any publication, dissemination or display whether
15 by hire, contract or otherwise directly or indirectly in any newspaper, magazine or other publication,
16 by any radio, television, telephone or pictorial display, publication, handbill or other advertising media
17 which depicted any person or object or which contained any statement which suggested to a
18 reasonable, prudent person that prostitution or any other illegal act, service or product was offered or
19 provided;

20 (9) Otherwise violated any provision of this Chapter. The fact that the
21 licensee shall post notices disclaiming prostitution and/or alcoholic beverage sales does not excuse
22 any charge of any of the above listed acts if an implication or expression that sexual stimulation is
23 provided or an expression that alcoholic beverage is sold is more convincing than such notice or
24 disclaimer.

25 (E) In the event the adult nightclub establishment license is suspended or revoked,
26 except for building or fire code violation, the license suspension or revocation shall be stayed for five
27 working days from the date of the written notice to the licensee for the licensee to seek judicial review.
28 The licensee may waive the stay provision in writing, or the City may seek sooner to enforce the

1 suspension or revocation by filing in the district court a petition for judicial review as provided by
2 NRS 43.100 or by seeking alternative relief pursuant to Chapter 34 of NRS.

3 SECTION 52: Title 6, Chapter 6B, Section 130, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.06B.130:** It is unlawful for any person or business entity to engage in business as an adult
6 nightclub or as attendant and/or server within the City [of Las Vegas] without first obtaining a license
7 or permit therefor as provided in this Chapter. Any person, firm or corporation violating this Section
8 shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of
9 a separate offense for each and every day during which the violation is committed, continued or
10 permitted, and upon conviction of any such violation, such person, firm or corporation shall be
11 punished by a fine of not less than two hundred fifty dollars for the first offense; not less than five
12 hundred dollars for the second offense; not less than nine hundred fifty dollars for the third offense;
13 and a fine of one thousand dollars plus not less than one week imprisonment for the fourth or
14 additional offenses. In no case shall any sentence exceed more than a one thousand dollar fine and/or
15 six months imprisonment; provided, no person shall be deemed guilty of any violation of this Chapter
16 if acting in an investigative capacity pursuant to the request of [the Las Vegas Metropolitan Police
17 Department or] Metro or the Director.

18 SECTION 53: Title 6, Chapter 8, Section 20, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.08.020:** As used in this Chapter, unless the context otherwise requires, the words and terms
21 defined in this Section have the meanings ascribed to them herein, as follows:

22 "Administrative Oversight Committee" or "AOC" means the committee established by the Interlocal
23 Agreement for Ambulance Service Regulation adopted by the County, the City of Las Vegas and the
24 City of North Las Vegas on July 18, 2001; or the City if the AOC is terminated or if the City
25 withdraws its participation in the interlocal agreement.

26 "Advanced life support" or "ALS," whether used alone or as a modifier of other nouns, has the same
27 meaning as the definition of that term in the Code of Federal Regulations (42 CFR 414.605), as may
28 be amended. Likewise, the terms "ALS1" and "ALS2" have the same meanings as the definitions of

1 those terms in 42 CFR 414.605, as may be amended.

2 "Air ambulance" means an aircraft, both fixed wing and rotary wing aircraft, especially designed,
3 constructed, modified or equipped to be used for the transportation of injured or sick persons. "Air
4 ambulance" does not include any commercial aircraft carrying passengers on regularly scheduled
5 flights.

6 "Ambulance" means a motor vehicle which is specially designed, constructed, equipped and staffed
7 to provide basic, intermediate or advanced care for one or more:

8 (1) Sick or injured persons; or

9 (2) Persons whose medical condition may require special observation during
10 transportation. For the purposes of this Chapter, the term "ambulance" specifically excludes
11 nonmedically supervised patient transports and special event medical service transports.

12 "Ambulance service" means the emergency medical care and transport, the non-emergency medical
13 care and transport service, including inter-facility ambulance transport service, or both, which are
14 provided to patients utilizing an ambulance with appropriately licensed personnel. The term
15 "ambulance service" does not include the use of vehicles for nonmedically supervised patient transport
16 service, air ambulance service or special event medical service transports.

17 "Applicant" means a person who submits a completed application for a franchise as set forth in this
18 Chapter.

19 "Application" means all written documentation, statements, representations and warranties provided
20 to the City by an applicant, in accordance with this Chapter, to be relied upon by the City Council in
21 making its determination of whether to grant or withhold a franchise.

22 "Automatic Vehicle Locator" or "AVL" means the automated system used to track or determine the
23 physical location of ambulance vehicles through a Global Positioning System (GPS), on a
24 computerized mapping system that is integrated with the Fire Alarm Office.

25 "Basic life support" or "BLS" has the same meaning as the definition of that term in the Code of
26 Federal Regulations (42 CFR 414.605), as may be amended.

27 "City" means the City of Las Vegas, Nevada.

28 "City Council" means the governing body of the City.

1 "City Manager" means the City Manager appointed by the City Council to perform such
2 administrative functions of the City government as may be required of him or her by the City Council,
3 or his or her designee.

4 "Computer-aided dispatch" or "CAD" means dispatching of emergency vehicles through the computer
5 technology to calls for service.

6 "CPI-MCS" means the Consumer Price Index (CPI) for all Urban Consumers: U. S. City Average,
7 Series CUUR0000SAM2, Medical Care Services, as published by the U. S. Department of Labor,
8 Bureau of Labor Statistics, Washington, D.C.

9 "Critical care transport" (CCT) or "specialty care transport" (SCT) both have the same meaning as the
10 term "specialty care transport" as defined in the Code of Federal Regulations [(CFR] (42 CFR
11 414.605), as may be amended.

12 "Department" means the Department of Finance and Business Services.

13 "Director" means the Director of the Department of Finance and Business Services, or his or her
14 designee.

15 "Emergency" has the same meaning as that term is defined by the Health District, as may be amended.

16 "Emergency medical care" means medical care given to a patient in an emergency situation before the
17 patient arrives at a hospital or other medical facility and until responsibility for the patient is assumed
18 by the medical staff at such facility.

19 "Emergency medical service" or "EMS" means a system consisting of a chain of services linked
20 together to provide emergency medical care for the patient at the scene, during transport, and upon
21 entry at a hospital or other medical facility.

22 "EMS priority dispatch" means a dispatch system:

23 (1) Whereby Certified Emergency Medical Dispatchers (EMD's) give lifesaving pre-arrival
24 instructions to person requesting the same; and

25 (2) Which provides for the dispatch of the appropriate level of emergency vehicle response,
26 A, B, C, D or E as determined by use of a priority card or computer program, based on the severity
27 of the medical emergency.

28 "Emergency medical technician-intermediate" or "EMT-Intermediate" means a person who is

1 qualified, in accordance with the Health District regulations as an EMT-Basic and who is also
2 qualified in accordance with the Health District regulations to perform essential advanced techniques
3 and to administer a limited number of medications.

4 "Emergency medical technician-paramedic" or "EMT-Paramedic" means a person possessing the
5 qualifications of the EMT-Intermediate and also, in accordance with the Health District regulations,
6 as having enhanced skills that include being able to administer additional advanced life support
7 interventions and medications.

8 "Emergency response" has the same meaning as the definition of that term in the Code of Federal
9 Regulations (42 CFR 414.605), as may be amended.

10 "Financial statements" means audited financial statements of the local operation of the franchised
11 business. Financial statements are to include: balance sheet, income statement, statements of cash
12 flows, and statement of retained earnings.

13 "Fire Alarm Office" or "FAO" means the office referred to as Firecom in the Health District
14 regulations which is administered by the City of Las Vegas through an interlocal agreement among
15 the City of Las Vegas, the City of North Las Vegas, and Clark County, or the successor to that office.

16 "Fire Department" means the City's Department of Fire and Rescue.

17 "Franchise" means the authorization granted to a person by the City Council to provide ambulance
18 service within the City's rights-of way, highways, streets, roads and alleys. The terms and conditions
19 of such authorization will be described in a franchise agreement specific to such purpose.

20 "Franchise agreement" means the written agreement entered into between the City and a franchisee
21 evidencing the City's authorization for a franchisee to provide ambulance service requiring the
22 franchisee to comply with the terms of this Chapter and incorporating such other reasonable provisions
23 as the City Council deems appropriate.

24 "Franchise service area" or "service area" means the geographic area of the City, including any
25 sub-zones thereof, specified in a franchise agreement wherein a franchisee is authorized and required
26 to provide ambulance service.

27 "Franchisee" means the person to whom an ambulance service franchise is granted by the City Council
28 pursuant to this Chapter.

1 “Health District” means the [Clark County] Southern Nevada Health District, its officers and
2 authorized agents.

3 “Health District regulations” means the applicable EMS regulations adopted by the [Clark County]
4 District Board of Health, as they may be amended from time to time.

5 “Health Officer” means the Health Officer of the Health District.

6 “Inter-facility ambulance transport service” means an emergency or a nonemergency transport of a
7 patient by ambulance that originates and terminates at previously designated medical facilities or
8 locations.

9 “Loaded mileage” has the same meaning as the definition of that term in the Code of Federal
10 Regulations (42 CFR 414.605), as may be amended.

11 “Maximum ambulance service rate” means the maximum amount that a franchisee may bill a patient
12 or other payer for the level of ambulance service provided to the patient, as established in this Chapter,
13 including all ancillary services and supplies used in providing ambulance service.

14 “Mutual aid” means ambulance service provided within the franchise service area in response to a
15 request by a franchisee through the FAO for assistance from another franchisee to provide ambulance
16 service in the requesting franchisee’s authorized service area pursuant to an agreement between the
17 franchisees that is on file with the AOC.

18 “Nonemergency ambulance service” prearranged non-911 dispatched ambulance service provided to
19 patients with non-life-threatening conditions that does not require the use of lights and sirens,
20 including without limitation nonemergency ambulance service requested at special events and other
21 non-911-dispatched ambulance service requests that would be categorized as nonemergency transfers
22 or level 33-A calls (as that term is approved and endorsed by the Health District) when processed
23 through EMS priority dispatch protocol.

24 “Nonmedically supervised patient transfer service” means the transportation of a person that does not
25 require any medical supervision, observation or care while en route, as permitted by the State of
26 Nevada Transportation Services Authority.

27 “Response time” means the time period measured from receipt by a franchisee of electronically
28 transferred information from the FAO dispatch facility on the patient location, EMS priority dispatch

1 code, and call-back number to the time when the ambulance dispatched to the incident arrives and
2 reports that it is "on scene" as that term is defined by the AOC, or when the dispatched ambulance en
3 route to an incident is canceled by the FAO dispatch.

4 "Rights-of-way" means property dedicated to, granted to, or held or prescriptively used by the City
5 for public street, alley, road and highway purposes.

6 "Service category" means the type or level of ambulance service that is specified in a franchise granted
7 pursuant to this Chapter.

8 "Seven-digit request for emergency service" means any telephone request for emergency ambulance
9 service that is received directly by a franchisee from any source, including representatives of law
10 enforcement agencies, which is required to be electronically transferred immediately to the FAO
11 system.

12 "Special event" means activities such as, but not limited to, sporting events, off-road vehicle races,
13 speedway races, concerts, fairs and parades occurring on a specific date and time at a specific location.

14 "Special event medical service" or "SEMS" means the providing of medical care to the participants
15 and members of the public in attendance at a special event pursuant to a contractual arrangement
16 between a special event medical service provider or a franchisee and the special event owner, operator,
17 promoter, organizer or any other person authorized to enter into such contractual arrangements on
18 behalf of the special event.

19 "Special event medical service provider" or "SEMS provider" means a person who has obtained a
20 special event medical service provider business license pursuant to Title 6 of this Code and special
21 purpose ambulance service permits required pursuant to Health District regulations.

22 "Special event vehicle" means the special purpose vehicle permitted by Health District regulations
23 which for the purposes of this Chapter may be used for the sole purpose of providing standby medical
24 coverage at predesignated special events. Except as otherwise provided in this Chapter, the term does
25 not include a vehicle which provides ambulance service over City rights-of-way.

26 "Street" means the surface of the full width of the right-of-way, including alleys, sidewalks and
27 thoroughfares, places or ways of any kind used by the public or open to the public as a matter of right
28 for the purpose of vehicular traffic or vehicular and pedestrian traffic.

1 "Sub-zone" means a portion of a franchise service area as defined in a franchise agreement.

2 "Transfer of ownership or control" means any transaction in which:

3 (1) Any ownership or other right, title, or interest of more than five percent in a franchisee
4 or its ambulance service is transferred, sold, assigned, leased, sublet, or mortgaged, directly or
5 indirectly, voluntarily or involuntarily, in whole or in part;

6 (2) There is any change or transfer of control of a franchise or ambulance service;

7 (3) The rights, obligations, or both, which are held by a franchisee under its ambulance
8 franchise are transferred, directly or indirectly, to another party;

9 (4) Any change or substitution occurs in the managing general partners of a franchisee,
10 where applicable; or

11 (5) A franchisee, or its corporate parents at any level, enter into any transaction that
12 materially increases the debt that is to be borne by the franchisee, directly or indirectly, in a manner
13 that will adversely affect users of the ambulance service.

14 "Transponder" means an electronic device affixed to an ambulance that activates the private access
15 gates located within the franchise service area.

16 "Unforeseen economic circumstance" means:

17 (1) That within a given twelve-month calculation period the percentage change in the
18 CPI-MCS was greater than ten percent or less than zero (decrease); or

19 (2) Another circumstance or set of circumstances which the City Council determines to
20 have had a significant effect on the cost of providing ambulance service.

21 "Volunteer ambulance service" means volunteer ambulance service which is authorized and operated
22 under the direct supervision of the Fire Department.

23 SECTION 54: Title 6, Chapter 9, Section 40, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.09.040:** A person licensed to conduct or operate an apartment house shall notify the Department
26 [of Finance and Business Services] of a change in the management of the apartment house within ten
27 days after the change takes place. A new manager who has not completed the landlord training
28 program shall have forty-five days to complete the program and thirty days to obtain a work card.

1 SECTION 55: Title 6, Chapter 9, Section 50, of the Municipal Code of the City of Las
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.09.050:** Neither the payment of a semiannual license fee, nor the renewal or pending renewal
4 of a license under this Chapter, shall in any way limit the enforcement of this Chapter. The
5 Department [of Finance and Business Services] may delay, withhold or rescind renewal action pending
6 verification of compliance with this Chapter.

7 SECTION 56: Title 6, Chapter 10, Section 80, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.10.080:** (A) Any Department representative or officer of [the Las Vegas Metropolitan Police
10 Department] Metro finding or observing any child under the age of eighteen being on or upon any
11 place in violation of this Chapter may cite the child or the child's parent, legal guardian or other
12 responsible person who is over the age of twenty-one, or both the child and the child's parent, legal
13 guardian or other responsible person.

14 (B) A representative of [the Las Vegas Metropolitan Police Department] Metro may
15 temporarily detain and release the child, release the child to the custody of his or her parent or legal
16 guardian, or take the child to the Clark County Juvenile Court Services.

17 SECTION 57: Title 6, Chapter 14, Section 120, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.14.120:** (A) The licensee shall keep a record of all sales, the amount paid and the dates of
20 each sale. The records shall be open at all reasonable times for inspection by employees of the
21 Department and [the Las Vegas Metropolitan Police Department] Metro.

22 (B) In addition thereto, if the auction is of jewelry:

23 (1) The licensee shall keep a copy of the inventory filed with the
24 Department and before the commencement of the sale on any day shall indicate thereon in an
25 appropriate manner the items sold, if any, on the previous day, and the date thereof;

26 (2) The licensee shall also keep a daily record of the inventory number of
27 each item sold, the date of the sale, and the name of the purchaser thereof;

28 (3) If any items listed on the inventory are sold or disposed of otherwise

1 than by sale at auction, such fact, with full particulars thereof, shall be entered on the record provided
2 for in Paragraph (2) of this Subsection; and

3 (4) With ten days after the termination of the auction, the copy of the
4 inventory and the separate record of disposition of goods, together with a list of the items set out on
5 the inventory and not shown on the report to have been sold or otherwise disposed of, shall be
6 delivered to the Department.

7 SECTION 58: Title 6, Chapter 16, Section 70, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.16.070:** The Director shall refer the application for a permit to [the Las Vegas Metropolitan
10 Police Department] Metro for an investigation. Upon completion of the investigation the Director
11 shall approve, deny or take such other action with respect to such application as he considers
12 appropriate. The Director may deny, revoke or suspend a permit for good cause which includes but
13 is not limited to:

14 (A) The application is incomplete or contains false, misleading or fraudulent
15 statements with respect to any information required;

16 (B) The applicant or permittee fails to satisfy any qualification or requirement
17 imposed by this Code, or other local, State or Federal law or regulation pertaining to such activities;

18 (C) Disciplinary action has been brought against the licensee or a principal of the
19 licensee;

20 (D) The applicant or permittee fails to comply with any conditions of the license
21 or permit;

22 (E) The applicant or permittee is or has engaged in a business, trade or profession
23 without a valid license, permit, approval for suitability or work card when he knew that one was
24 required or under such circumstances that he reasonably should have known one was required;

25 (F) The applicant or permittee has been subject, in any jurisdiction to disciplinary
26 action of any kind against a license, permit, approval for suitability or work card to the extent that such
27 disciplinary action reflects on the qualification, acceptability or fitness to hold a permit;

28 (G) The applicant or permittee has committed acts which would constitute a crime

1 involving moral turpitude, prostitution or other sex crimes, or involving any Federal, State or local law
2 or regulation relating to the same or a similar business;

3 (H) When substantial information exists which tends to show that the applicant or
4 permittee is dishonest or corrupt;

5 (I) The applicant or permittee has engaged in deceptive practices upon the public;

6 (J) The applicant or permittee suffers from a legal disability under the laws of the
7 State.

8 SECTION 59: Title 6, Chapter 18, Section 60, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.18.060:** All alarm devices installed by the licensee shall terminate in an office of the licensee.
11 The [licenses,] licensee, having reason to believe a valid alarm has been set off, shall immediately
12 notify [the Las Vegas Metropolitan Police Department] Metro and dispatch his employee or employees
13 to the location of the alarm. For the purpose of notifying the police, the maximum equipment allowed
14 shall be a direct line to [the Las Vegas Metropolitan Police Department's] Metro's switchboard.

15 SECTION 60: Title 6, Chapter 18, Section 90, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.18.090:** Upon notification by [the Law Vegas Metropolitan Police Department] Metro or other
18 source that a ringer-type alarm is ringing, the licensee shall immediately dispatch an employee or
19 employees to the location

20 SECTION 61: Title 6, Chapter 18, Section 100, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.18.100:** When notifying [the Las Vegas Metropolitan Police Department] Metro of an alarm,
23 the licensee shall state his business name and furnish the exact address from which the alarm
24 originated, the name and type of establishment, and, if more than one floor or department, the precise
25 location of the alarm shall be given and the type of alarm, such as silent robbery, silent burglary, or
26 ringer-type alarm.

27 SECTION 62: Title 6, Chapter 19, Section 40, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.19.040:** It is unlawful for an owner, operator or business to fail to keep records and to make
2 them available for inspection by [a police officer] Metro or the Department at the site of the carnival
3 or circus operation during all hours it is open for business which contain:

- 4 (A) The name and address of each concession owner and operator;
5 (B) The name and address of each person working at a concession;
6 (C) The wages, salary, or commission paid and hours worked by each such person;
7 (D) The gross receipts of each concession;
8 (E) The amount of stock or merchandise dispensed to the players of each game
9 concession; and
10 (F) The name, address, age and extent of injuries of any person injured on the
11 premises where the carnival or circus is conducted.

12 SECTION 63: Title 6, Chapter 19, Section 130, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.19.130:** Each traveling circus or carnival operator shall file with the Department [of Business
15 Activity] a certificate of insurance issued by an insurance company authorized to do business in the
16 State which names the City as an additional insured and which shows that such person has insurance
17 coverage of at least six hundred thousand dollars total liability for each occurrence, and at least two
18 hundred thousand dollars bodily injury coverage for each person.

19 SECTION 64: Title 6, Chapter 19, Section 140, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.19.140:** Each traveling circus or carnival shall pay a license fee in advance of one hundred
22 dollars for each day the traveling show shall be in operation; except, that the City Council may, upon
23 the application of any person issued a license under this Chapter, reduce the license fee to twenty-five
24 dollars per day, if the City Council finds that such business will not require supervision on the part
25 of the City or [the police] Metro over and above that normally required for other businesses.

26 SECTION 65: Title 6, Chapter 22, Section 30, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.22.030:** An application for a permit shall be made to the Director [of the Department of

1 Business Activity] upon forms provided by the Department. The application shall contain the
2 following information:

3 (A) The name, address or headquarters of the person applying for the permit;

4 (B) If the applicant is not an individual, the names and addresses of the applicant's
5 principal officers and managers;

6 (C) The purposes for which such solicitation is to be made, the total amount of
7 funds proposed to be raised thereby, and the use or disposition to be made of such funds;

8 (D) The names and addresses of the person or persons by whom the receipts or
9 proceeds of such solicitation are to be disbursed;

10 (E) The names and addresses of the person or persons who will be in direct charge
11 of conducting the solicitation;

12 (F) An outline of the method or methods to be used in conducting the solicitation;

13 (G) The time when such solicitations are to be made, giving the dates for the
14 beginning and ending of such solicitation;

15 (H) An itemized statement or budget of the estimated cost of solicitation;

16 (I) The names and addresses of all professional promoters and professional
17 solicitors who will be connected with the solicitation and the amount of wages, fees, commission,
18 expenses, or emoluments to be paid to each professional promoter, and a copy of the contract, if any,
19 given each professional promoter;

20 (J) An itemized financial statement showing all receipts and the disbursements
21 thereof for one year immediately preceding the date of the filing of the application;

22 (K) A statement to the effect that, if the permit is granted, it will not be used or
23 represented in any way as an endorsement by the City of the solicitation conducted thereunder.

24 SECTION 66: Title 6, Chapter 22, Section 40, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.22.040:** If, while any application is pending or during the term of any permit granted pursuant
27 thereto, there is any change in fact, policy or method that would alter the information given in the
28 application, the applicant shall notify the Department [of Business Activity] in writing thereof within

1 twenty-four hours after such change.

2 SECTION 67: Title 6, Chapter 22, Section 50, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.22.050:** (A) Upon receipt of a completed application the Director [of the Department of
5 Business Activity] shall issue a temporary solicitations permit pending review of the application. In
6 deciding whether to issue a permanent solicitations permit, the Director shall determine whether or
7 not:

- 8 (1) Each of the statements made in the application is true;
9 (2) The application is complete; and
10 (3) The applicant has violated any of the grounds provided in Section
11 6.02.330 et seq.

12 (B) At the conclusion of its review with respect to an application, the Director [of
13 the Department of Business Activity] shall make his findings with respect to each of the makers
14 contained in Paragraphs (1) through (3) of Subsection (A) and shall make his decision either to
15 approve or to reject such application, which decision, if it is for rejection, shall set forth completely
16 and with specificity the reasons therefor and the City shall promptly seek a declaratory judgment to
17 the constitutionality of the Director's decision to deny the permit and restrain the solicitation. Until
18 such judicial decision is rendered, the temporary permit issued when the completed application was
19 first received by the Department pursuant to this Section shall remain in effect. If the decision is for
20 approval of the application, the permit issued shall specify the time period, not to exceed one year for
21 which the permit is valid.

22 SECTION 68: Title 6, Chapter 22, Section 55, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.22.055:** The Director [of the Department of Business Activity] shall have the authority to set
25 conditions on a permit which may include, but are not limited to, requiring the permittee to furnish
26 each principal, agent, employee, promoter and solicitor a copy of a valid charitable solicitation permit
27 stating the name of the organization conducting the solicitation, the type of solicitation, the purpose
28 for which the contribution is to be used and the time when such solicitations are to be made, giving

1 the dates for beginning and ending of such solicitation. A copy of the charitable solicitation permit
2 shall be exhibited to every person solicited.

3 SECTION 69: Title 6, Chapter 22, Section 70, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.22.070:** Each permittee conducting a solicitation shall furnish to the Director [of the
6 Department of Business Activity] within thirty days after the conclusion of the solicitation, a report
7 showing the gross amount raised by the solicitation and showing an itemization of the costs of
8 solicitation, including what was paid to each professional promoter and professional solicitor
9 employed in such solicitation and the disposition of the balance of the contributions collected by the
10 solicitation.

11 SECTION 70: Title 6, Chapter 22, Section 160, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.22.160:** Whenever the Director [of the Department of Business Activity] upon affidavit of
14 supporting facts finds that a person holding a permit under this Chapter has violated or is violating
15 Section 6.22.065 through Section 6.22.150, inclusive, the City shall notify the permittee by mail or
16 personal service of process of such violation and seek judicial review of the violations. Should the
17 court determine by appropriate legal standard that a violation has or is occurring, the court may issue
18 an order allowing the City to revoke the solicitations permit.

19 SECTION 71: Title 6, Chapter 22, Section 170, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.22.170:** At the hearing the permittee, or any other interested person, shall have the right to
22 present evidence pertaining to the charges. Upon request of the Department [of Business Activity]
23 the permittee shall produce the books and records relating to its solicitations required to be kept by
24 this Chapter if they are pertinent to the matter under investigation.

25 SECTION 72: Title 6, Chapter 22, Section 230, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.22.230:** (A) No professional promoter shall commingle his personal funds with
28 contributions collected through a charitable solicitation.

1 (B) Every professional promoter shall establish a special trustee bank account for
2 each charitable solicitation with which he is connected, into which shall be placed all money coming
3 into his hands in connection with such solicitation.

4 (C) Separate books or records shall be kept by a professional promoter for each
5 solicitation, showing the amount of each contribution coming into his hands and the name of the
6 person making such contribution. Such books or records shall also show all disbursements made of
7 the contributions.

8 (D) All such books, records and special trustee bank accounts shall be subject to
9 audit by the Director [of the Department of Finance and Business Services] or his representatives.

10 SECTION 73: Title 6, Chapter 24, Section 190, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.24.190:** A child care facility licensee may change his or her location of operation by filing a
13 form furnished or approved by the Department. The Department shall approve the change of location
14 if the location meets all of the requirements of this Code and the [Clark County] Health District, and
15 upon payment of all appropriate license fees.

16 SECTION 74: Title 6, Chapter 26, Section 20, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.26.020:** The application must be made to the Director [of Business Activity] upon forms
19 provided by the Department [of Business Activity].

20 SECTION 75: Title 6, Chapter 27, Section 20, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.27.020:** (A) It is unlawful for any person to commence, engage in or carry on a business of
23 commercial dance instruction without first obtaining and thereafter maintaining a valid unexpired
24 license pursuant to this Chapter.

25 (B) Every commercial dance studio that is in existence and licensed on August 7,
26 1988, shall have sixty days thereafter in which to comply with the provisions of this Chapter.

27 (C) In addition to the information that is required by LVMC Chapter 6.02, an
28 applicant for a commercial dance studio license shall provide the Director with the following

1 information:

2 (1) A completed personal history questionnaire, a personal financial
3 questionnaire, and an applicant's release of information form of all principals of the business;

4 (2) Exact copies of all sales presentations that will be used, including
5 without limitation the initial sales and renewal sales presentations and any financial information that
6 will be requested from the purchaser;

7 (3) An exact copy of the contract for commercial dance instruction and
8 other services that will be used by the commercial dance studio for a course in commercial dance
9 instruction.

10 (D) Each commercial dance studio instructor and seller, before commencing his or
11 her employment as such, shall obtain, and shall at all times thereafter, during the course of such
12 employment, maintain a work card that has been issued by [the Metropolitan Police Department]
13 Metro in accordance with the procedures and requirements of LVMC Chapter 6.86.

14 SECTION 76: Title 6, Chapter 32, Section 30, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.32.030:** Upon receipt of the application, the Director may have the same considered by various
17 departments or agencies such as [the Las Vegas Metropolitan Police Department, Fire Department]
18 Metro, Fire and Rescue Department and the Building and Safety Department for their consideration
19 and approval. Upon completion of the review of the application, the Director shall approve, deny or
20 take such other action with respect to such application as he considers appropriate. The Director in
21 approving a permit may set such conditions as he determines is required for the health, safety and
22 general welfare of the public. The Director may deny, revoke or suspend a permit for good cause,
23 which includes but is not limited to:

24 (A) The application is incomplete or contains false, misleading or fraudulent
25 statements with respect to any information required.

26 (B) The proposed public dance would interfere with the health, safety or general
27 welfare of the public or constitute a breach of peace.

28 (C) The proposed public dance fails to satisfy any qualification or requirement

1 imposed by this Code, or other local, State or Federal law or regulation pertaining to such activities.

2 (D) The applicant fails to comply with any conditions of the permit.

3 SECTION 77: Title 6, Chapter 35, Section 60, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.35.060:** (A) Application for an erotic dance establishment license shall be made to the
6 Director.

7 (B) An application for an erotic dance establishment license shall be verified by the
8 applicant and shall contain or set forth the following information:

9 (1) The name, address, telephone number, principal occupation and age of
10 the applicant;

11 (2) The name, address and principal occupation of the managing agent or
12 agents of the business;

13 (3) The business name, business address and business telephone number
14 of the establishment or proposed establishment, together with a description of the nature of the
15 business and magnitude thereof;

16 (4) Whether the business or proposed business is the undertaking of a sole
17 proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the
18 name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the
19 application shall set forth the names, addresses, telephone numbers, principal occupations and
20 respective ownership shares of each partner, whether general, limited or silent. If a corporation, the
21 application shall set forth the corporate name, a copy of the articles of incorporation, and the names,
22 addresses, telephone numbers and principal occupations of every officer, director and shareholder
23 (having more than ten percent of the outstanding shares) and the number of shares held by each;

24 (5) The names, addresses, telephone numbers and principal occupations of
25 every person, partnership or corporation having any interest in the real or personal property utilized
26 or to be utilized by the business or proposed business;

27 (6) A description of all other business enterprises (sales or services) which
28 shall occur on the premises;

1 (7) Whether the applicant, anyone having a ten-percent interest in the
2 business or proposed business, or anyone having an interest in the real property or personal property
3 utilized or to be utilized by the business or proposed business or anyone having a right to ten percent
4 of the proceeds of the business other than utilities has:

5 (a) Ever been convicted of or forfeited bail for any crime, excluding
6 minor traffic offenses and, if so, the application shall state the person involved, the charge, date, court,
7 and disposition of the charges,

8 (b) Ever had a business license denied, revoked or charges filed
9 therefor, and if so, the application shall state the person involved, the name of the business, date,
10 jurisdiction, and outcome of any hearing,

11 (c) Ever owned, operated an escort service, an outcall promoter
12 establishment, a brothel or adult nightclub theater, and if so, the name of the business, dates involved
13 and position or interest therein.

14 (C) The applicants shall present themselves to [the Metropolitan Police] Metro for
15 investigation and fingerprinting and shall pay such investigation and fingerprint fee as is required by
16 LVMC 6.86, and shall reveal to [the Metropolitan Police] Metro such information as is required to
17 properly identify the applicant to enable the investigation of the applicant's arrests and convictions,
18 licensing and litigation record and verify the accuracy and completeness of the application.

19 (1) In all cases where the applicant for a license is a corporation, it shall be
20 necessary for all of the principal officers of such corporation to present themselves for investigation
21 and fingerprinting. All stockholders above ten percent or who exercise management of the corporation
22 are required to present themselves for investigation and fingerprinting.

23 (D) Applications shall be accompanied by a nonrefundable fee of twenty-five
24 dollars.

25 (E) An erotic dance establishment license shall be a semiannual license renewable
26 by payment of semiannual license fees as found in LVMC 6.35.120(A).

27 SECTION 78: Title 6, Chapter 35, Section 70, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.35.070:** (A) The Director [of the Department of Finance and Business Services] shall issue
2 or deny the license to the applicant within thirty days from receipt of a complete application and fees
3 upon compliance with all the requirements of this Section and any applicable provisions of Title 6 of
4 this Code. Failure of the Director to approve or deny the license application within the thirty days
5 shall result in the license being granted.

6 (1) That upon the expiration of the thirty days the applicant may demand
7 a license and begin operating the erotic dance establishment for which a license is sought, unless and
8 until the Director notifies the applicant of a denial of the license application and states the reason for
9 the denial. (This provision shall not create a reliance or estoppel situation as to this license or any
10 other provisions of this code.)

11 (B) The Director shall consider the application by examination of:

- 12 (1) The information provided within the submitted application;
13 (2) The circumstances of the applicant's criminal reputation, association
14 and business history;
15 (3) The proposed business operation of the applicant;
16 (4) The reports of zoning, building, fire and health department as applicable.

17 (C) The Director shall not grant the license if:

18 (1) The applicant, whether an individual or any of the stockholders, officers
19 or directors, if a corporation or any of the partners, if a partnership, including limited partners, or the
20 manager or other person principally in charge of the operation of the business, or any person receiving,
21 or having a right to receive any sum from, or percentage of the profits due to an interest in or sale of
22 the business, has been convicted within a five-year period immediately prior to the date of the
23 application of any crimes of embezzlement; or any crime involving fraud, consumer fraud or intent
24 to defraud, prostitution, solicitation of prostitution; or has violated the law regarding fraudulent
25 advertising;

26 (2) The operation as proposed by the applicant would not comply with all
27 applicable laws, including, but not limited to, this Title and the City's building, zoning, fire and health
28 regulations;

1 (3) The applicant or any ten-percent corporation shareholder or a corporate
2 officer has had a revocation of a business license for violations of code regulations pursuant to LVMC
3 6.06A (Adult Bookstores), 606B (Adult Nightclub Establishments), 6.36 (Escort Bureau and
4 Personnel), 6.57 (Outcall Entertainment), [19.74] 19.04 (Sexually Oriented Businesses) and this
5 Chapter, within the preceding two years.

6 (D) If the applicant is denied, the Director shall notify the applicant with the
7 reason(s) stated for denial. Notification shall be sent certified, United [states] States mail, return
8 receipt requested, to the address provided on the license application which shall be considered the
9 correct address. Each applicant has the burden to furnish any change of address to the director of
10 business license, by United States certified mail, return receipt requested.

11 (E) In the event that an application is denied, the applicant may file or cause to be
12 filed in the district court a petition for judicial examination of the validity of the denial of the erotic
13 dance establishment license as provided by Chapter 34 of NRS.

14 SECTION 79: Title 6, Chapter 35, Section 90, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.35.090:** (A) Each license and any dancer, bar personnel, waiters/waitresses or managers,
17 whether a full- or part-time employee or independent contractor, who works or renders services in a
18 licensed erotic dance establishment business or facility shall obtain prior to the issuance of the license
19 or the commencement of work and keep in force during the term of his license or employment, a work
20 [identification] card for erotic dance establishment issued under LVMC 6.86 and 6.35. The
21 investigation for issuance of a work [identification] card will include a fingerprint check by the
22 Federal Bureau of Investigation. Work cards applied for pursuant to this Chapter shall be issued on
23 the eleventh working day following application therefor unless denied within ten working days from
24 application.

25 (1) Within twenty-four hours of the receipt of a work card application by
26 a dancer, [the Las Vegas Metropolitan Police Department] Metro shall issue a temporary work card,
27 subject to completion of the investigation described herein, unless it is determined that the applicant
28 is under eighteen years of age, or is currently wanted for criminal activity, or cannot establish

1 identification.

2 (B) [The Las Vegas Metropolitan Police Department] Metro shall deny the issuance
3 or renewal of a work [identification] card for this Chapter only if:

4 (1) The application is not complete or if the applicant has made false,
5 misleading or fraudulent statements with respect to any material fact contained in the application for
6 a work [identification] card;

7 (2) The applicant has committed any crimes involving fraud, consumer
8 fraud or intent to defraud, prostitution, solicitation of prostitution, or has violated the law regarding
9 fraudulent advertising within two years of application for this specific work card; or

10 (3) The applicant has violated code regulations, as set out within LVMC
11 6.35.100, or has had a business license revoked pursuant to this Title, or the issuance or renewal
12 thereof has been denied by the City [of Las Vegas] or any other government entity within one year of
13 the date of the application for any reason set out in this subsection.

14 (C) Suspension--Revocation. Any work [identification] card issued for this Chapter
15 shall only be suspended or revoked for grounds set forth in Subsection (B) of this Section pursuant
16 to the procedures set forth in LVMC 6.86.

17 (D) In the event that an applicant's work card is denied, suspended or revoked, the
18 applicant may cause an appeal to be filed to the City Council, by filing a written appeal with the
19 Director within ten days of notice of denial, suspension or revocation in accordance with LVMC
20 6.86.150. A public hearing shall be held before the board held thereafter before the City Council
21 pursuant to LVMC 6.86.150; or the applicant may file or cause to be filed in the district court a
22 petition for judicial review of the denial, suspension or revocation pursuant to NRS 34 et seq.

23 SECTION 80: Title 6, Chapter 35, Section 110, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.35.110:** All books and records required to be kept pursuant to this Chapter shall be open to
26 inspection by [the Las Vegas Metropolitan Police Department or Department of Finance and Business
27 Services] Metro or the Department during the hours when the erotic dance establishment is open for
28 business. The purpose of such inspection shall be to determine whether the books and records meet

1 the requirements of this Title.

2 SECTION 81: Title 6, Chapter 35, Section 130, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.35.130:** All security guards working in or employed by an erotic dance establishment must
5 obtain a work [identification] card. Security guards in exotic dance studios shall not carry firearms,
6 nightsticks, clubs or chemical or electronic weapons.

7 SECTION 82: Title 6, Chapter 35, Section 170, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.35.170:** It is unlawful for any person or business entity to engage in business as an erotic dance
10 establishment, manager, dancer or as attendant and/or server within the City [of Las Vegas] without
11 first obtaining a license or permit therefor as provided in this Chapter. It is unlawful for a dancer to
12 dance in a place or manner prohibited in this Chapter. Any person, firm or corporation violating this
13 Section shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed
14 guilty of a separate offense for each and every day during which the violation is committed, continued
15 or permitted, and upon conviction of such violation, such person, firm or corporation shall be punished
16 by a fine of not less than two hundred fifty dollars for the first offense; not less than five hundred
17 dollars for the second offense; not less than nine hundred fifty dollars for the third offense; and a fine
18 of one thousand dollars plus not less than one week imprisonment for the fourth or additional offenses.
19 In no case shall any sentence exceed more than a one thousand dollar fine and/or six months
20 imprisonment; provided, no person shall be deemed guilty of any violation of this Chapter is acting
21 in an investigative capacity pursuant to the request of [the Metropolitan Police Department or director]
22 Metro or the Director.

23 SECTION 83: Title 6, Chapter 36, Section 60, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.36.060:** (A) The escort bureau shall provide to each patron a written contract for services.
26 The contract shall clearly state the type of services to be performed, the length of time such services
27 shall be performed; the total amount of money such services shall cost the patron and any special
28 terms or conditions relating to the services to be performed. The contract shall additionally include

1 a statement in clear and concise language that prostitution is illegal in the City and is punishable by
2 both fine and imprisonment and that no act of prostitution shall be performed in relation to the
3 services contracted for. Further, the contracts provided for in this Subsection shall be numbered and
4 utilized in numerical sequence by the escort bureau.

5 (B) The contract shall be signed by the patron and a copy furnished to him. The
6 escort bureau shall also retain a copy of each contract and shall furnish said copies to the Department
7 [of Business Activity] for their inspection upon the Department's furnishing written request therefor.

8 SECTION 84: Title 6, Chapter 36, Section 80, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.36.080:** Every escort bureau shall refer all prospective escorts and escort runners to the
11 Department [of Business Activity for application for a permit] for a permit application. Upon
12 termination of employment of any escort or escort runner with such escort bureau, such escort bureau
13 shall notify the Department, in writing, of such termination within five days thereof.

14 SECTION 85: Title 6, Chapter 36, Section 120, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.36.120:** Any person who is required to have a permit must apply for the permit from the
17 Director [of Business Activity] and pay an investigation fee of one hundred seventy-five dollars. The
18 application must be made upon forms provided by the Department and shall set forth the information
19 required which includes:

20 (A) The applicant's personal description, history, education, experience and
21 background;

22 (B) The applicant's criminal history and civil and administrative litigation history;

23 (C) The applicant's relationship to the licensee;

24 (D) In the case of an escort, the applicant shall furnish written evidence from a
25 licensed physician that the physician has examined the applicant and that the applicant is free from
26 any communicable disease;

27 (E) A recent three-by-five-inch photograph showing the applicant's head and
28 shoulders; or

1 (F) Such other information as the Director may require that reasonably relates to
2 the applicant's fitness for a permit or the nature of the service to be provided.

3 SECTION 86: Title 6, Chapter 36, Section 130, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.36.130:** The Director [of Business Activity] shall refer the application for a permit to [the
6 Metropolitan Police Department] Metro for an investigation. Upon completion of the investigation
7 the Director shall approve, deny or take such other action with respect to such application as he
8 considers appropriate. The Director may deny, revoke or suspend a permit for good cause which
9 includes but is not limited to:

10 (A) The application is incomplete or contains false, misleading or fraudulent
11 statements with respect to any information required;

12 (B) The applicant or permittee fails to satisfy any qualification or requirement
13 imposed by this Code, or other local, State or Federal law or regulation pertaining to such activities;

14 (C) Disciplinary action has been brought against the licensee or a principal of the
15 licensee;

16 (D) The applicant or permittee fails to comply with any conditions of the license
17 or permit;

18 (E) The applicant or permittee is or has engaged in a business, trade or profession
19 without a valid license, permit, approval for suitability or work card when he knew that one was
20 required or under such circumstances that he reasonably should have known one was required;

21 (F) The applicant or permittee has been subject, in any jurisdiction, to disciplinary
22 action of any kind against a license, permit, approval for suitability or work card to the extent that such
23 disciplinary action reflects on the qualification, acceptability or fitness to hold a permit.

24 (G) The applicant or permittee has committed acts which would constitute a crime
25 involving moral turpitude, prostitution or other sex crimes, or involving any Federal, State or local law
26 or regulation relating to the same or a similar business;

27 (H) When substantial information exists which tends to show that the applicant or
28 permittee is dishonest or corrupt;

1 (I) The applicant or permittee has engaged in deceptive practices upon the public;
2 or

3 (J) The applicant or permittee suffers from a legal disability under the laws of the
4 State.

5 SECTION 87: Title 6, Chapter 36, Section 190, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.36.190:** Upon termination of employment as an escort or escort runner for a licensed escort
8 bureau employer, such permittee shall surrender his permit to the Department [of Business Activity]
9 within five days of such termination of employment; it is unlawful for any escort or escort runner to
10 fail to surrender his or her permit within the time prescribed.

11 SECTION 88: Title 6, Chapter 36, Section 200, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.36.200:** In the event an escort or escort runner shall lose his or her permit it shall be the duty
14 of the escort or escort runner to report said loss to the Director [of Business Activity] within five days
15 after knowledge of the loss occurs. A fee of twenty-five dollars shall be charged by the Department
16 to issue a new permit.

17 SECTION 89: Title 6, Chapter 36, Section 210, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.36.210:** Any individual who is required to have [an identification] a work card shall make
20 application for the card with [the Metropolitan Police Department] Metro and provide the information
21 requested including fingerprints and photographs. Such card when issued shall be valid for one year,
22 except that a temporary card may be issued for thirty days pending the final issuance of the
23 [identification] work card.

24 SECTION 90: Title 6, Chapter 39, Section 50, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.39.050:** The Director of the Department may issue a permit to provide food catering services
27 to an applicant if the Director finds there is compliance with the following provisions:

28 (A) The food catering services will be provided in accordance with the requirements

1 of the [Clark County] Health District.

2 (B) The permit shall state the date, hours, and location of the food catering services
3 permitted. Any food catering services at times or places beyond that stated in the permit shall be
4 grounds for disciplinary action.

5 (C) The food catering services will be performed consistent with this Chapter and
6 in such a manner as to pose no threats to the general health, safety, welfare or morals of the inhabitants
7 of the City.

8 (D) The food catering permit application requirements of Section 6.39.040 of this
9 Chapter have been met.

10 SECTION 91: Title 6, Chapter 40, Section 50, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.40.050:** (A) Any person who furnishes services or property to a gaming licensee under any
13 arrangement pursuant to which the person receives payments based on earnings, profits or receipts
14 from gaming may be required by the Director [of Business Activity] to apply for a gaming license or
15 apply for an approval of suitability to be associated with the gaming licensee.

16 (B) If such person fails to apply within twenty days of the Director's request the
17 City Council may require the licensee to terminate the arrangement.

18 (C) Failure to so terminate the arrangement is grounds for disciplinary action to be
19 taken against the licensee.

20 SECTION 92: Title 6, Chapter 40, Section 130, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.40.130:** (A) Any semiannual fee which is not received by the Department [of Business
23 Activity] on or before the due date shall be assessed a late-payment penalty in an amount equal to ten
24 percent of the amount of such semiannual fee.

25 (B) If the semiannual fee and penalty is not received by the Department [of
26 Business Activity] within fifteen days after the due date, an additional penalty in an amount equal to
27 twenty-five percent of such semiannual fee shall be assessed.

28 (C) If the semiannual fee and all penalties are not received by the Department

1 within sixty days after the due date, the license shall be automatically revoked.

2 SECTION 93: Title 6, Chapter 40, Section 180, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.40.180:** No provision found in LVMC 6.40.140 through 6.40.170, other than LVMC 6.40.160,
5 may be amended, modified or deleted by the City Council without a notice and public hearing as
6 herein after provided:

7 (A) Public Hearing. The Council shall hold a public hearing upon each proposed
8 amendment, modification or deletion. The public hearing shall be conducted not less than twenty-one
9 days nor more than one hundred eighty days following the first reading of the ordinance.

10 (B) The City Clerk shall give notice of the date, time and place of the public hearing
11 by mailing a notice, not less than fifteen days prior to the date of the hearing, to each nonrestricted
12 licensee in the City as shown in the license records of the Department [of Finance and Business
13 Services].

14 SECTION 94: Title 6, Chapter 42, Section 60, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.42.060:** (A) Any person desiring to engage, as principal, either in the business of a billposter
17 for hire, or in the business of distributing commercial or noncommercial handbills for hire, shall make
18 application to and receive from the Director [of the Department of Business Activity], or other officer
19 empowered to issue the same, who shall act whenever the Director is herein referred to, a license in
20 the manner and for the period prescribed by the terms of this Chapter and by all relevant provisions
21 of this Code.

22 (B) Such applicant shall make written application to the Director upon a form or
23 forms provided for such purpose by the Director. Such form shall contain, among other things that
24 may be required, the name, the business address, and a brief description of the nature of the business
25 to be conducted by the applicant, the probable number of agents and employees so to be engaged,
26 together with a request for a license for the period for which the applicant seeks to engage in such
27 business.

28 SECTION 95: Title 6, Chapter 42, Section 90, of the Municipal Code of the City of

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

2 **6.42.090:** Without excluding other just grounds for revocation, the [Board of Commissioners]
3 City Council, or official so empowered by law, may revoke any license obtained under an application
4 containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a
5 license by means of false or fraudulent representations, or for violations of this Chapter, or any other
6 grounds specified by law.

7 SECTION 96: Title 6, Chapter 46, Section 60, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.46.060:** A collection fee is allowed for licensees of establishments referred to in Section
10 6.46.040 in an amount equal to two percent of the amount of the tax collected; providing that all the
11 taxes due the City are paid to the Department [of Finance and Business Services] on or before the
12 fifteenth day of the month following the month for which the tax is due. No collection fee is allowed
13 for payments made after that date.

14 SECTION 97: Title 6, Chapter 46, Section 80, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.46.080:** The room tax imposed by Section 6.46.040 shall be collected by the operator from the
17 paying guests and shown as an add-on to the charge for occupancy of the rooms. The operator is liable
18 to the City for such taxes whether or not they are actually collected from the paying guest. Such taxes
19 shall be paid to the Department [of Finance and Business Services] on or before the fifteenth day of
20 the month following the month in which the taxes accrued and shall be deemed delinquent if not paid
21 on or before such date.

22 SECTION 98: Title 6, Chapter 46, Section 100, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.46.100:** It is unlawful for any operator of an establishment covered by this Chapter to fail to
25 maintain adequate room records or to fail to make his or her room records available in the City during
26 City business hours to the Director [of Finance and Business Services] or any other person designated
27 by him or her for the purpose of conducting an audit within seventy-two hours' written notice.
28 Adequate records shall mean the following: journal, books of accounts, daily cash summary,

1 registration cards, general ledger, receipts register, income tax return (Schedule C of 1040 Federal Tax
2 Return for Sole Proprietorship; Form 1065 Federal Tax Return for Partnerships; Form 1041 Fiduciary
3 Income Tax Return and 1120 Federal Tax Return for Corporations), State sales tax returns, monthly
4 profit and loss statements, trial balances, folios, including any and all receipt forms, and payment
5 forms for the three-year period preceding the date of the audit. The Director or his designee has the
6 authority to look at all other books and records not specifically mentioned above which are maintained
7 by an operator in the connection with the rental of rooms.

8 SECTION 99: Title 6, Chapter 51, Section 5, of the Municipal Code of the City of Las
9 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.51.005:** The [Board] City Council hereby finds that the businesses of locksmiths and safe
11 mechanics seriously affect the wellbeing of the City and its residents, and that it is necessary to
12 regulate such activities [carefully] carefully in order to insure that persons of honesty and integrity
13 are operating such businesses and that they are operated in a responsible manner to the public. Such
14 businesses must therefore comply with Chapter 6.06.

15 SECTION 100: Title 6, Chapter 52, Section 10, of the Municipal Code of the
16 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.52.010:** The City Council hereby finds that massage establishments[, massage therapists and
18 independent massage therapists] seriously affect the economic, social and moral well-being of the City
19 and its residents, that such businesses must be regulated strictly for the welfare of the public and that
20 such businesses must therefore comply with LVMC 6.06.

21 SECTION 101: Title 6, Chapter 52, Section 20, of the Municipal Code of the
22 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.52.020:** Unless the context otherwise requires, the following words, as they appear in this
24 Chapter, shall have the meanings ascribed to them in this Section:

25 ["Certification" means certification by the National Certification Board for Therapeutic Massage and
26 Bodywork or by a board of equivalent stature which is accredited by the National Commission for
27 Certifying Agencies for massage and bodywork.]

28 "Chair [Massage] massage therapy" means [a] massage therapy administered by a massage therapist

1 to the neck, shoulders, back, arms, hands and feet of a fully clothed client utilizing a massage chair.

2 "Employee" means any massage therapist who is a bona fide employee of a massage establishment.

3 "Independent [Massage Therapist] massage therapist" means a massage therapist who is not an
4 employee of a massage establishment, is a sole practitioner, and hires no employees.

5 ["Massage" means any method of treating any of the external parts of a person including, but not
6 limited to, rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands,
7 feet, elbows or any other part of the body. All massage modalities recognized by the National
8 Certification Board for Therapeutic Massage and Bodywork, and the American Organization for
9 Bodywork Therapies of Asia are included in this definition.]

10 "Massage [Establishment] establishment" means any premises occupied and used for the purpose of
11 performing massage therapy.

12 "Massage establishment licensee practitioner" means the licensee of a massage establishment who
13 performs massage therapy.

14 "Massage [Therapist] therapist" means any person who, for consideration, performs any massage
15 therapy as defined in this Section and has [met all of the requirements of this Chapter.] been licensed
16 by the State to perform such services.

17 "Massage therapy" has the same meaning as set forth at NRS 640C.060.

18 "Outcall [Massage] massage therapy" means any massage therapy given or provided off the premises
19 of a licensed massage establishment by a [licensed] massage therapist licensed by the City and State.

20 SECTION 102: Title 6, Chapter 52, Section 30, of the Municipal Code of the
21 City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

22 SECTION 103: Title 6, Chapter 52, Section 40, of the Municipal Code of the
23 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.52.040:** [(A) Except as otherwise provided in this Section, no] No person shall engage in,
25 conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises, the
26 operation of a massage establishment, or the performance of massage [as a massage therapist or as an
27 independent massage therapist,] therapy as a massage therapist or a massage establishment licensee
28 practitioner, without first obtaining and thereafter maintaining a valid unexpired license for that

1 activity pursuant to this Title.

2 [(B) Any person who is not licensed as an independent massage therapist but is
3 otherwise authorized to perform massage as a massage therapist under this Chapter may continue to
4 perform massage under that authority until October 1, 2002.

5 (C) After October 1, 2002, no person may perform massage as a massage therapist
6 without a license, or a temporary license issued in accordance with LVMC 6.02.070, to perform
7 massage as a massage therapist or an independent massage therapist.]

8 SECTION 104: Title 6, Chapter 52, Section 50, of the Municipal Code of the
9 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **6.52.050:** (A) Each massage establishment must pay in advance a semiannual license fee of
11 two hundred dollars[.], together with the additional license fees for professional employees described
12 in LVMC 6.04.065. A massage establishment with separate facilities for men and women shall be
13 considered a single massage establishment and shall be charged a single license fee every six months.

14 (B) Each independent massage therapist and massage establishment licensee
15 practitioner must pay in advance a semiannual license fee of one hundred dollars.

16 [(C) Each massage therapist must pay in advance a semiannual license fee of
17 seventy-five dollars.]

18 SECTION 105: Title 6, Chapter 52, Section 60, of the Municipal Code of the
19 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.52.060:** [(A)] An independent massage therapist license authorizes the licensee to:

21 [(1)] (A) Administer [a] massage therapy to a client in a [leased room in
22 a] licensed massage establishment[:];

23 [(2)] (B) Administer [a] massage therapy to a client at the client's
24 temporary or permanent residence, transient lodging or at the client's place of business; and

25 [(3)] (C) Advertise as an independent massage therapist.

26 (B) An independent massage therapist licensee [may operate from his or her
27 residential address, if such operations] must comply with all applicable provisions of the City zoning
28 regulations,[:]; provided, however, an independent massage therapist may not administer massage at

1 his or her residential address without first obtaining a license for a massage establishment at that
2 location.]

3 SECTION 106: Title 6, Chapter 52, Section 70, of the Municipal Code of the
4 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.52.070:** No massage establishment[, massage therapist or independent massage therapist]
6 granted a license under the provisions of this Chapter, or principal, employee or agent thereof, shall
7 place, publish or distribute or cause to be placed, published or distributed any advertisement, picture,
8 or statement which is known or through the exercise of reasonable care should be known to be false,
9 deceptive or misleading in order to induce any person to purchase or utilize any professional massage
10 therapy services. All advertisements placed, published, distributed, disseminated or broadcast by a
11 licensee shall contain the business license number.

12 SECTION 107: Title 6, Chapter 52, Section 80, of the Municipal Code of the
13 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.52.080:** The licensee or [person designated by the licensee] principal of a massage
15 establishment shall maintain a register of all persons who at any time are employed or contracted as
16 massage therapists and their [business] City and State license numbers. Such register shall be made
17 available upon request to representatives of the Department or Metro during regular business hours.

18 SECTION 108: Title 6, Chapter 52, Section 90, of the Municipal Code of the
19 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.52.090:** Each massage establishment licensee shall display the establishment's license in an
21 open and conspicuous place on the premises of the massage establishment. The City and State license
22 of any [massage therapist and independent massage therapist] person licensed under this Chapter to
23 perform massage therapy must be carried on the licensee's person whenever the licensee is performing
24 massage[.]

25 SECTION 109 Title 6, Chapter 52, Section 100, of the Municipal Code of the
26 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.52.100:** It is unlawful for any massage establishment licensee[, or person acting for the
28 licensee,] or principal to employ any person who is not at least eighteen years of age.

1 SECTION 110: Title 6, Chapter 52, Section 110, of the Municipal Code of the
2 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.52.110:** It is unlawful for any massage establishment licensee to perform massage therapy
4 without first obtaining and thereafter maintaining a valid unexpired massage [therapist] establishment
5 licensee practitioner license under this Chapter.

6 SECTION 111: Title 6, Chapter 52, Section 120, of the Municipal Code of the
7 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.52.120:** It is unlawful for any person who is required to be licensed under this Chapter [to:] do
9 any of the following within a massage establishment:

10 (A) Touch or massage the genitals of a male or female client or customer or to touch
11 or massage the breast or areolas of a female client or customer.

12 (B) [Massage a client of the opposite sex, except within the premises of a licensed
13 massage establishment; provided, however, that this prohibition does not apply to chair massage.

14 (C)] Perform massage therapy unless the person performing the massage is wearing
15 nontransparent outer garments that do not expose or exhibit that person's genitals, pubic area, buttocks
16 or chest.

17 [(D)] (C) Expose the genitals of a client for the purpose of soliciting prostitution.

18 SECTION 112: Title 6, Chapter 52, Section 130, of the Municipal Code of the
19 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.52.130:** Any licensed massage establishment may dispatch a licensed massage therapist to
21 administer [a] massage therapy to a client at the client's transient lodging, temporary or permanent
22 residence or at the client's place of business.

23 SECTION 113: Title 6, Chapter 52, Section 160, of the Municipal Code of the
24 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.52.160:** [In addition to the information required by LVMC Chapter 6.06 in connection with a
26 license application, an applicant for a massage therapist license or an independent massage therapist
27 license shall provide to the Department, on forms provided or approved by the Department, the
28 following:

1 (A) Proof that the applicant has a currently valid health card issued by the Clark
2 County Health District;

3 (B) Proof of current certification or a valid unexpired massage permit or license
4 issued by the Clark County Department of Business Licensing with proof of having held that permit
5 or license a minimum of twenty-four consecutive months immediately prior to making application
6 with the Department; and

7 (C) Such other information as the Director may require that reasonably relates to
8 the applicant's fitness for a license, qualifications to perform massage or the nature of the service to
9 be provided.] An applicant for a license to perform massage therapy under this Chapter shall provide
10 to the Department a valid health card issued by the Health District, if one is required by the Health
11 District, and proof of temporary or permanent licensure by the Nevada Board of Massage Therapists.

12 SECTION 114: Title 6, Chapter 52, Section 170, of the Municipal Code of the
13 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.52.170:** (A) The Director shall refer applications for a massage establishment license[,
15 massage therapist license or independent massage therapist license] to Metro for investigation. Upon
16 completion of the investigation, the Director shall refer an application for a massage establishment
17 license to the City Council for approval, denial or such other action as the Council considers
18 appropriate.

19 (B) The City Council may deny, revoke or suspend a massage establishment license
20 for good cause, which includes but is not limited to:

21 (1) The grounds set forth in LVMC 6.02.090 and 6.02.330 to 6.02.360,
22 inclusive; or

23 (2) Two convictions of any person [or persons who are required to be
24 licensed under this Chapter] for solicitation of prostitution on the massage establishment premises
25 within the preceding three-year period.

26 [(C) Upon completion of the Metro investigation, the Director may approve, deny
27 or take such other action as the Director considers appropriate with regard to applications for massage
28 therapist and independent massage therapist licenses.

1 (D) The Director may deny, revoke or suspend a massage therapist license or an
2 independent massage therapist license for good cause, which includes, but is not limited to:

3 (1) The grounds set forth in LVMC 6.02.090 and 6.02.330 to 6.02.360
4 inclusive; or

5 (2) The applicant's or licensee's conviction for solicitation of prostitution
6 within the preceding three-year period.

7 (E) The Director's denial, suspension or revocation of a massage therapist license
8 or an independent massage therapist license may be appealed by the applicant or licensee to the City
9 Council in accordance with the provisions of LVMC 6.02.110.]

10 SECTION 115: Title 6, Chapter 52, Section 180, of the Municipal Code of the
11 City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

12 SECTION 116: Title 6, Chapter 52, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as
14 Section 6.52.180, to read as follows:

15 **6.52.180:** (A) Except as otherwise provided in this Section, the Director shall issue a license
16 to perform massage therapy to an applicant upon the acceptance of a completed application, payment
17 of appropriate license fees, proof of a valid unexpired massage therapist license issued by the Nevada
18 Board of Massage Therapists, and a valid health card issued by the Health District, if one is required
19 by the Health District.

20 (B) The Director may deny, refuse to renew, or revoke an application for a license
21 to perform massage therapy for the following reasons:

22 (1) The applicant or licensee fails to possess or maintain a valid unexpired
23 massage therapist license issued by the Nevada Board of Massage Therapists.

24 (2) The applicant or licensee has been convicted of a charge of solicitation
25 of prostitution during the three-year period immediately preceding the Director's action.

26 SECTION 117: Title 6, Chapter 52, Section 190, of the Municipal Code of the
27 City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

28 SECTION 118: Title 6, Chapter 52, Section 200, of the Municipal Code of the

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

2 **6.52.200:** Licenses issued under this Chapter [for massage establishments, massage therapists and
3 independent massage therapists] are not transferable to any other person.

4 SECTION 119: Title 6, Chapter 52, Section 210, of the Municipal Code of the
5 City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

6 SECTION 120: Title 6, Chapter 55, Section 10, of the Municipal Code of the
7 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.55.010:** As used in this Chapter, unless the context otherwise requires, the following terms shall
9 have the meanings which are ascribed to them, as follows:

10 (A) "Employee" means a person who works for or under the direction of, on behalf
11 of, or as an agent of a licensee.

12 (B) "Health District" means the [Clark County] Southern Nevada Health District.

13 (C) "Mobile food vendor" means a person who offers for sale or sells food items
14 by means of a vehicle.

15 (D) "Licensee" means the holder of an mobile food vendor business license issued
16 by the Department.

17 (E) "Metro" means the Las Vegas Metropolitan Police Department.

18 (F) "Vehicle" means a motorized or non-motorized vehicle, including a push cart
19 or other similar vehicle.

20 (G) "Vend" means to sell or offer to sell food products from a vehicle.

21 SECTION 121: Title 6, Chapter 55, Section 40, of the Municipal Code of the
22 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.55.040:** (A) An application for a mobile food vendor license must be made upon forms
24 provided by the Department. In addition to the information required under LVMC Chapter 6.02, the
25 applicant shall provide the following:

26 (1) A description of the selling methods to be used and the nature of the
27 products or services to be offered;

28 (2) Proof of filing with the State of Nevada Department of Taxation;

1 (3) A health permit for each vehicle, documentation that the vehicle is
2 eligible for such permit, and a health card for each operator ~~all~~ issued by the Health District;

3 (4) A copy of a valid, unexpired Nevada vehicle registration, if applicable,
4 for each vehicle; and

5 (5) Such other information or documentation as the Department may require
6 in order to establish the applicant's suitability and fitness for approval.

7 (B) In order to obtain a mobile food vendor license, each principal of the business
8 must apply for and obtain approval for suitability in accordance with LVMC Chapter 6.06, subject to
9 the payment of an investigative fee of fifty dollars.

10 SECTION 122: Title 6, Chapter 57, Section 50, of the Municipal Code of the
11 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.57.050:** (A) Application.

13 (1) Any person who is required by the provisions of this Chapter to obtain
14 a license must apply for such license at the Department and pay an investigation fee pursuant to the
15 provisions of [Chapter 6.06 of this Code.] LVMC 6.06.

16 (2) The application must be made upon forms provided by the Department
17 and set forth the information required.

18 (3) A post office box address is unacceptable as a street address on an
19 application where a street address is required; provided, however, an applicant may identify and
20 designate on his application a post office box address as the address to which he prefers
21 correspondence to be mailed.

22 (B) Investigation. The Department shall refer the application for a license to [the
23 police department] Metro for an investigation. Upon completion of the investigation, the City Council
24 shall approve, deny or take such other action with respect to the application as it considers appropriate.
25 The City Council may deny a license for good cause which shall include without limitation the
26 grounds provided in LVMC 6.02.090(A).

27 SECTION 123: Title 6, Chapter 67, Section 140, of the Municipal Code of the
28 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.67.140:** The exclusive procedure for obtaining a refund of such surcharges by a person who
2 qualifies therefor under the eligibility guidelines set forth in Section 6.67.120 is as follows:

3 (A) An application shall be submitted to the Manager of the Senior Citizen
4 Programs Division of the City upon a form provided by the Manager. Such form shall set forth the
5 details of the income received by the applicant and proof of the age of the applicant and shall be
6 signed under penalty of perjury as to the truthfulness of the information contained in the application.
7 The Manager may require the submission of income tax returns and other information for verification
8 of the applicant's income.

9 (B) Such application shall further set forth the amount of surcharges paid by the
10 applicant to each such public utility company during the period for which the refund is sought and
11 shall have attached copies of all utility bills on which any such surcharge has been added during such
12 period. Proof that such bills have been paid shall also be attached.

13 (C) After the Manager of the Senior Citizen Program Division has reviewed each
14 application and determined that applicant has fulfilled the requirements of eligibility set forth in
15 Section 6.67.120 and that an application in compliance with this Section has been presented, he or she
16 shall approve such application and request the Department [of Finance and Business Services of the
17 City] to issue a check upon the special fund to be created pursuant to Section 6.67.160.

18 SECTION 124: Title 6, Chapter 67, Section 160, of the Municipal Code of the
19 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.67.160:** The Manager of the Senior Citizen Programs Division will develop a form which will
21 constitute the application to be filed pursuant to Section 6.67.140, and the Department [of Finance and
22 Business Services] will create a special fund to which will be appropriated sufficient funds with which
23 to make the refunds contemplated in this Chapter.

24 SECTION 125: Title 6, Chapter 68, Section 30, of the Municipal Code of the
25 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.68.030:** Each real estate developer shall pay a semiannual license fee [equal to one percent of
27 his average monthly sales.] based on his or her gross semiannual revenue from monthly sales pursuant
28 to the schedule set forth in LVMC 6.04.005.

1 SECTION 126: Title 6, Chapter 69, Section 100, of the Municipal Code of the
2 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.69.100:** Each licensee who performs reflexology shall maintain in his or her possession and in
4 force at all times a current valid health card issued by the [Clark County] Health District.

5 SECTION 127: Title 6, Chapter 72, Section 20, of the Municipal Code of the
6 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.72.020:** The [Board] City Council finds that, unless regulated strictly, the business of retail
8 demonstration merchandise sales stores can be deceptive, fraudulent or misleading to many members
9 of the public patronizing such business and that such businesses must therefor comply with Chapter
10 6.06.

11 SECTION 128: Title 6, Chapter 72, Section 50, of the Municipal Code of the
12 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.72.050:** No license to conduct a business as a retail demonstration merchandise sales store shall
14 be granted unless and until the applicant has filed with the Department [of Business Activity] a surety
15 bond in the [penal] sum of twenty-five thousand dollars and with surety acceptable to and approved
16 by the City Attorney. Such bond shall be conditioned that said licensee shall faithfully observe and
17 comply with the provisions of this Chapter at all times during the continuance of such license, and
18 conditioned further to indemnify, keep, save and hold harmless the City, or any other person, against
19 all liabilities, judgments, costs, damages and expenses which the City, or any other person, may incur
20 as a consequence of the issuance of said license, or by reason of any act or failure to act by said
21 licensee, or by the failure or neglect of such licensee to observe and comply with this Code and with
22 any State or Federal law

23 SECTION 129: Title 6, Chapter 72, Section 80, of the Municipal Code of the
24 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.72.080:** The semiannual license fee for any person engaged in the business of operating a retail
26 demonstration merchandise sales store is five hundred dollars or five percent of gross sales, whichever
27 is greater, to be collected in accordance with the provisions of Section 6.02.180 et seq. The [Board
28 of Commissioners] City Council declares that the cost of regulation of this kind of business is greater

1 than normal because continuous inspections are required, thereby requiring the employment of
2 additional inspectors by the Department [of Business Activity].

3 SECTION 130: Title 6, Chapter 72, Section 110, of the Municipal Code of the
4 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.72.110:** (A) Every retail demonstration merchandise sales store licensee shall keep accurate
6 ledgers in which shall be delineated an inventory, in a clear, legible manner, or:

7 (1) All goods received at such store;

8 (2) Date of receipt;

9 (3) The cost price to the licensee of all goods, including goods purchased
10 by said licensee on consignment for purposes of sale together with the name and address of the
11 vendor;

12 (4) The names and addresses of the purchasers at the demonstration of sale;

13 (5) The date sold and the price paid by the purchaser together with detailed
14 description of each article so sold.

15 (B) The records shall be open to inspection during normal business hours by the
16 Director of the Department [of Business Activity] or the Director's duly authorized enforcement
17 officers.

18 SECTION 131: Title 6, Chapter 73, Section 80, of the Municipal Code of the
19 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.73.080:** (A) Upon receipt of the application, the Director may have the same considered by
21 various departments or agencies such as [the Las Vegas Metropolitan Police Department, the Clark
22 County] Metro, the Health District, the Building and Safety Department and the Community Planning
23 and Development Department for their consideration and recommendations.

24 (B) Upon completion of the review of applications for indoor concerts, the Director
25 may approve, deny or take such other action with respect to an application as he considers appropriate.
26 The Director may deny a permit for good cause, which includes, but is not limited to, the grounds set
27 forth in Subsection (D) of this Section.

28 (C) Upon completion of the review of all other applications, the Director shall

1 submit the same to the City Council for its approval, denial or other action which it considers
2 appropriate.

3 (D) The City Council, may deny, revoke or suspend a permit for good cause, which
4 includes, but is not limited to the following grounds:

5 (1) The application is incomplete or contains false, misleading or fraudulent
6 statements with respect to any information required;

7 (2) The proposed rock concert would interfere with the health, safety or
8 general welfare of the public or constitute a breach of peace;

9 (3) The proposed rock concert fails to satisfy any qualification or
10 requirement imposed by this Code, or other local, State or Federal law or regulation pertaining to such
11 activities;

12 (4) Disciplinary action has been brought against the licensee or a person
13 associated with the licensee who is required to be found suitable;

14 (5) The applicant fails to comply with any conditions of the license or
15 permit.

16 SECTION 132: Title 6, Chapter 73, Section 90, of the Municipal Code of the
17 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.73.090:** Every licensee shall employ, at his own expense, police protection. The number and
19 type of officers shall be determined and specified by the City Council to provide for the preservation
20 of order and protection of property in and around the place of the rock concert. Funds to employ this
21 specified number of law enforcement officers at the current hourly salary rate for [Police Officers] law
22 enforcement officers, shall be deposited with the Department at least ten days prior to the specified
23 date the activity is to occur. A minimum of one law enforcement officer for every two hundred fifty
24 persons expected to be in attendance shall be required. Where off-duty peace officers are specified
25 to meet the requirements of this Chapter, the peace officers shall be under the complete direction and
26 control of the Sheriff of [the Las Vegas Metropolitan Police Department] Metro.

27 SECTION 133: Title 6, Chapter 73, Section 100, of the Municipal Code of the
28 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.73.100:** (A) When the rock concert is not performed at permanent facilities which are
2 suitably constructed for the type of concert and the estimated number of persons expected to attend,
3 the provisions of this Section must be complied with. The location of water facilities on the premises
4 must be approved by the [Clark County] Health District prior to issuance of a license.

5 (B) The minimum supply of water to the outdoor rock concert shall be fifteen
6 gallons of water for each person in attendance per day. All water shall meet the United States Public
7 Health Service standards. Public and private flush-type water closets, lavatories and drinking facilities
8 shall be required as determined by the [Clark County] Health District. Sewage and drainage systems
9 relating to such facilities shall be subject to the prior approval of the [Clark County] Health District
10 and the Director of Building and Safety of the City.

11 SECTION 134: Title 6, Chapter 73, Section 110, of the Municipal Code of the
12 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.73.110:** When the rock concert is not performed at permanent facilities which are suitably
14 constructed for the type of concert and the estimated number of persons expected to attend, the
15 provisions of this Section must be complied with:

16 (A) (1) Every licensee shall provide at least one enclosed flush-type water closet
17 facility marked "men" and one such facility marked "women" on the premises of a rock concert on
18 the basis of one flush-type water closet for each forty males and one for each forty females expected
19 to be in attendance. Urinals may be substituted for the required flush-type water closets for men on
20 the ratio of one urinal and one flush-type water closet per sixty [mails] males;

21 (2) Lavatories provided with cold water under pressure, soap and paper
22 towels shall be provided on the basis of one lavatory for each seventy-five persons expected to be in
23 attendance;

24 (3) Where flush-type water closets cannot be made available for the persons
25 in attendance, the City Council may allow the use of portable chemical toilets;

26 (4) Such chemical toilets must meet the approval of the [Clark County]
27 Health District before any license may be issued. Chemical toilets shall be emptied and recharged at
28 the licensee's expense as necessary pursuant to procedures established by the [Clark County] Health

1 District.

2 (B) Every licensee shall be required to furnish at least one trash can with thirty-six
3 gallon capacity with a tight fitting lid for each twenty-five persons expected to be in attendance, an
4 adequate supply of plastic bag liners to fit the trash receptacles shall be provided and each container
5 shall at all times have a plastic bag liner inserted and when full it shall be tied, removed and a new
6 plastic bag liner inserted. The pick up and removal of refuse, trash, garbage and rubbish shall be at
7 least once a day and more often if required by the [Clark County] Health District. A signed contract
8 with a licensed refuse collector shall be submitted to the [Clark County] Health District and a copy
9 of same filed with the Health District. Removal of all trash and refuse shall be at the licensee's
10 expense.

11 SECTION 135: Title 6, Chapter 73, Section 120, of the Municipal Code of the
12 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.73.120:** The licensee is required to provide for emergency medical treatment:

14 (A) The [Clark County] Health District shall calculate the need for the emergency
15 services, based on the number of persons expected to attend a rock concert, their expected age group,
16 the duration of events planned and the possibility of exposure to inclement weather and outdoor
17 elements.

18 (B) Traffic lanes and other adequate space shall be designated and kept open for
19 access and travel for ambulance, helicopter and other emergency vehicles to transport patients, or staff
20 to appropriate on-site and off-site treatment facilities.

21 SECTION 136: Title 6, Chapter 73, Section 130, of the Municipal Code of the
22 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.73.130:** (A) Every licensee shall provide adequate parking space for persons attending the
24 rock concert by motor vehicle.

25 (B) Persons desiring to operate or conduct a rock concert may be called upon to
26 provide a separate parking space for every four persons expected to attend the concert by motor
27 vehicle. Such individual parking spaces shall be clearly marked and shall not be less than twelve feet
28 wide and twenty feet long. The Directors of the Building and Safety Department and the [Community]

1 Planning and Development Department must approve an applicant's "parking plan" before a permit
2 shall be issued.

3 SECTION 137: Title 6, Chapter 73, Section 160, of the Municipal Code of the
4 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.73.160:** Every licensee shall provide at his own expense adequate fire protection as determined
6 by the Fire and Rescue Department. Flammable vegetation and other fire hazards shall be removed
7 in a manner and in such quantity as determined by the Fire Chief. First-aid and fire-extinguishment
8 equipment shall be provided as directed by the Fire Chief.

9 SECTION 138: Title 6, Chapter 74, Section 20, of the Municipal Code of the
10 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.74.020:** As used in this Chapter, unless the context otherwise requires, the following words
12 shall have the meaning ascribed to them as follows:

13 [(A)] "Advertise" means the use of any newspaper, magazine or other publication,
14 letter, sign, card or other printed matter, radio or television transmission or any other method to bring
15 to the attention of the public that a person is engaged in the business of:

16 [(a)] (A) Buying, selling or trading hides or junk; or

17 [(b)] (B) Buying, selling or trading metal junk, melted metal or secondhand
18 personal property, including, without limitation, antiques and collectibles.

19 [(B)] "Antique" means a unique object of personal property that is not less than sixty
20 years old and has special value primarily because of its age.

21 [(C)] "Collectible" means an object of personal property that has special value
22 primarily because of its unique characteristics and the high level of demand for the object.

23 [(D)] "Identifiable" means secondhand personal property which bears a serial number
24 or personalized initials or an inscription and includes secondhand personal property which, at the time
25 it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized
26 initials or an inscription.

27 [(E)] "Junk" means old iron, copper, brass, lead, zinc, tin, steel and other metals,
28 metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and all other secondhand,

1 used or castoff articles or material of any kind.

2 [(F) "Police department" means the Las Vegas Metropolitan Police Department.

3 (G) "Precious metals" means gold, platinum, silver and their alloys.

4 [(H) "Secondhand dealer" means any person engaged in whole or in part in the
5 business of buying, selling or trading secondhand or used personal property, including, without
6 limitation, hides, junk, metal junk, melted metals, antiques and collectibles.

7 SECTION 139: Title 6, Chapter 74, Section 110, of the Municipal Code of the
8 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.74.110:** (A) Every secondhand dealer shall maintain in his place of business a book or other
10 permanent record in which must be legibly written in the English language, at the time of each
11 purchase, a record thereof containing:

12 (1) The date and time of each transaction;

13 (2) The name, age, driver's license number, house number and street and
14 a general description of the complexion, color of hair and facial appearance of the person with whom
15 the transaction is had;

16 (3) The license number of the vehicle delivering each purchase, if the
17 transaction involves household furniture;

18 (4) A description of the property bought; and

19 (a) In the case of watches, the description must contain the name
20 of the maker and the number of the works or the case; and

21 (b) In the case of jewelry, the description must contain all letters and
22 marks inscribed on the jewelry; and

23 (c) When the article bought is furniture or the contents of any house
24 or room actually inspected on the premises, a general record of the transaction is sufficient;

25 (5) The price paid;

26 (6) The name or other identification of the person or employee conducting
27 the transaction, who shall legibly print or type his full name and write his signature on the transcript.

28 Each transcript must include a certificate, signed by the person selling the property to the secondhand

1 dealer, stating that he has the legal right to sell the property.

2 (B) The record and all goods received must at all times during the ordinary hours
3 of business be open to the inspection of [the police department] Metro.

4 (C) The provisions of this Section do not apply to any transaction which involves
5 buying, selling or trading used sound recordings or clothing.

6 SECTION 140: Title 6, Chapter 74, Section 120, of the Municipal Code of the
7 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.74.120:** (A) Every secondhand dealer shall, on forms acceptable to [the Police Department]
9 Metro, and before the hour of twelve noon of each day, furnish, by mail or any other means, in
10 duplicate to [the Police Department] Metro a full, true and correct transcript of the record of all
11 transactions had on the preceding day.

12 (B) Every secondhand dealer having good cause to believe that any property in his
13 possession has been previously lost or stolen shall forthwith report that fact to [the Police Department]
14 Metro, together with the name of the owner if known, and the date when the name of the person from
15 whom he received the property.

16 SECTION 141: Title 6, Chapter 74, Section 130, of the Municipal Code of the
17 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.74.130:** Every secondhand dealer must keep without concealment property that is identifiable
19 for a period of thirty days after the receipt thereof has been reported or a record of the receipt of the
20 property is furnished or mailed to [the Police Department] Metro and before selling, shipping or
21 otherwise disposing of the same. While in the possession of any secondhand dealer, all goods shall
22 remain subject to inspection by [the Police Department] Metro during normal business hours.

23 SECTION 142: Title 6, Chapter 74, Section 160, of the Municipal Code of the
24 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.74.160:** Each holder of a Class I secondhand dealer's license shall promptly deliver to [the
26 Police Department] Metro or the Department of Motor Vehicles all motor vehicle and trailer State
27 license plates attached to any motor vehicle or trailer received by him for resale, exchange, wrecking
28 or dismantling.

1 SECTION 143: Title 6, Chapter 74, Section 190, of the Municipal Code of the
2 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.74.190:** It is unlawful for any secondhand dealer or any clerk, agent or employee of a
4 secondhand dealer to:

5 (A) Omit making an entry of any material matter in his book or record kept as
6 provided for in Section 6.74.110;

7 (B) Make any false entry in his book or record;

8 (C) Obliterate, destroy or remove from his place of business the book or record;

9 (D) Refuse to allow [the Police Department] Metro to inspect the book or record
10 or any goods in his possession, during the ordinary hours of business;

11 (E) Report any material matter falsely to [the Police Department] Metro;

12 (F) Omit reporting forthwith to [the Police Department] Metro the possession of
13 any property which he may have good cause to believe has been lost or stolen, together with the name
14 of the owner, if known, and the date when and the name of the person from whom he received the
15 property;

16 (G) Violate Section 6.74.130;

17 (H) Receive any property from any person under the age of eighteen years, any
18 common drunkard, any habitual user of controlled substances as defined in Chapter 453 of NRS, any
19 habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen
20 property, or any known associate of a thief or receiver of stolen property, whether the person is acting
21 in his own behalf or as the agent of another.

22 SECTION 144: Title 6, Chapter 76, Section 30, of the Municipal Code of the
23 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.76.030:** Any person desiring a permit for the use or operation of such device shall file an
25 application therefor with the Department [of Business Activity] upon a form provided therefor setting
26 forth:

27 (A) The name and address of the applicant;

28 (B) The type of device intended to be used;

- 1 (C) The dates upon which it is intended to be used;
2 (D) A description of how and where the device is to be used; and
3 (E) Such other information necessary to determine the appropriateness of issuing
4 a permit under this Chapter.

5 SECTION 145: Title 6, Chapter 76, Section 40, of the Municipal Code of the
6 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.76.040:** The Director [of Business Activity] may deny a permit or impose restrictions upon
8 time, place, manner and degree of loudness of such amplification device in order to prevent:

- 9 (A) Undue annoyance to persons;
10 (B) A public nuisance;
11 (C) Interference with pedestrian and vehicular traffic;
12 (D) Interference with schools, churches or other assemblies;
13 (E) A disturbance of the peace; or
14 (F) Because of excessive noise or an accumulation of noises that is a hazard to a
15 person's health.

16 SECTION 146: Title 6, Chapter 76, Section 60, of the Municipal Code of the
17 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.76.060:** Except as provided in Section 6.76.040, upon the filing of a complete and accurate
19 application and payment of the permit fees, the Director [of Business Activity] shall issue a permit for
20 use of the sound amplification device. Such a permit shall expire upon expiration of the license fee
21 period which shall not exceed six months.

22 SECTION 147: Title 6, Chapter 80, Section 60, of the Municipal Code of the
23 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.80.060:** After the investigation of an applicant has been completed by [the Las Vegas
25 Metropolitan Police Department] Metro, it shall be submitted to the Director, who shall complete the
26 processing of the application and place it before the City Council for its action thereon. The applicant
27 shall appear in person at the meeting of the City Council at which his application is scheduled to be
28 considered and shall be required to answer any and all questions that pertain to such application or to

1 the fitness of any person who is connected as an owner, officer, responsible person or manager of the
2 proposed teenage entertainment location that any member of the City Council deems is necessary or
3 appropriate.

4 SECTION 148: Title 6, Chapter 80, Section 90, of the Municipal Code of the
5 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.80.090:** Each teenage establishment location shall provide and maintain parking spaces in the
7 number that is determined by the Department of [Community] Planning and Development to be
8 sufficient for that location in accordance with LVMC Chapter 19.64. The parking area shall be
9 surfaced with a concrete or asphaltic paving and shall be electrically illuminated with a light that
10 provides, at ground level, an intensity of not less than .25 foot-candle power. Additionally, all such
11 parking spaces shall comply with the requirements of LVMC Section 19.04.120.

12 SECTION 149: Title 6, Chapter 80, Section 130, of the Municipal Code of the
13 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.80.130:** If a teenage entertainment location provides, at any function thereat, live music through
15 musicians who personally appear and perform at that location, the responsible party shall provide the
16 Special Investigations [Bureau of the Las Vegas Metropolitan Police Department] Section of Metro
17 with at least one day's advance written notice thereof, which notice shall include the date of, and the
18 hours during which, such function is to be held, the name and size of each group that will perform at
19 such function and a description of the type of music and other entertainment that will be presented by
20 each group.

21 SECTION 150: Title 6, Chapter 80A, Section 100, of the Municipal Code of the
22 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.80A.100:** The permittee shall be responsible for reimbursing the Department for all permit related
24 inspections conducted after normal operating hours (eight a.m. to five p.m. Monday through Friday),
25 on weekends, or on holidays. Inspection fees shall be assessed for a three-hour minimum at fifty
26 dollars per hour per staff member required to conduct the permit inspection. The permittee may also
27 be charged inspection fees by other City departments whose inspections are required in connection
28 with the issuance of a permit pursuant to this Chapter, including without limitation the Department

1 of [Fire Services] Fire and Rescue and the Department of Planning and Development. All fees shall
2 be paid at the completion of each inspection.

3 SECTION 151: Title 6, Chapter 80A, Section 110, of the Municipal Code of the
4 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.80A.110:** No person shall engage in the business of a parade vendor without obtaining a permit
6 therefor in accordance with this Section. A parade vendor permit shall be required for each vendor
7 who intends to sell merchandise at a parade, and a permit shall be valid only for the date of the parade
8 Application for a parade vendor permit shall be made on a form provided by the Director. The
9 application shall list all types of items that the vendor proposes to sell at the parade. If the Director
10 determines that any item proposed to be sold is likely to be used in a manner to disrupt the parade or
11 to endanger the health, safety and welfare of the public, he may deny a permit or impose conditions
12 upon the issuance of the permit that are designed to prevent or limit such disruption or danger. Each
13 parade vendor shall pay in advance a permit fee often dollars. A parade vendor shall comply with all
14 requirements of the [Clark County] Health District and the Nevada Department of Taxation.

15 SECTION 152: Title 6, Chapter 81, Section 50, of the Municipal Code of the
16 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.81.050:** Every license issued pursuant to this Chapter is conditioned upon the compliance by
18 the licensee with the requirements of this Chapter, including the following regulations:

19 (A) Every licensee shall provide, at its own expense, adequate security protection.

20 (B) Every licensee shall file with the Department [of Business Activity] a certificate
21 of insurance issued by an insurance company authorized to do business in the State which names the
22 City as an additional insured and which shows that the licensee is insured in an amount of not less than
23 five hundred thousand dollars against liability for injury suffered by patrons of the theme park or
24 permanent exhibition.

25 (C) Every licensee shall provide sufficient and uniform electrical illumination to
26 insure that the passenger loading and unloading areas of any amusement ride or permanent exhibition
27 conveyance are well lighted at all times of operation after dark. Emergency lighting shall be provided
28 in the event of electrical power failure to permit passenger unloading.

1 (D) Every licensee shall provide platforms or areas with sufficient space for
2 passengers waiting to board and for passengers departing any amusement ride or permanent exhibition
3 conveyance. Such platforms or areas shall be kept clean and free of dangerous depressions,
4 obstructions and debris.

5 (E) Every licensee shall store trash or waste in receptacles so constructed that they
6 do not leak and may be thoroughly cleaned. All sweepings, trash and waste shall be removed in such
7 a manner as to avoid creating a nuisance and shall be removed as often as necessary to avoid creating
8 a menace to health through the development of unsanitary conditions.

9 (F) Every licensee shall equip and maintain emergency stretchers and first aid kits
10 with adequate supplies. The location of emergency first aid kits and stretchers must be clearly marked.

11 (G) Every licensee operation an enclosed amusement ride or permanent exhibition
12 conveyance shall equip it with a transparent safety glass front windshield. Such ride or conveyance
13 shall also be equipped with electric head and rear lights of sufficient candle power as to be visible at
14 a distance of three hundred feet under ordinary atmospheric conditions. Such ride or conveyance shall
15 also be equipped with suitable devices that will remove rain, snow and sleet from the front windshield
16 while in motion.

17 (H) Every licensee shall equip all doors on any amusement ride or permanent
18 exhibition conveyance with latches or secure the doors otherwise to prevent them from swinging under
19 normal operating conditions.

20 SECTION 153: Title 6, Chapter 86, Section 10, of the Municipal Code of the
21 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.86.010:** Unless the context otherwise requires, the following words used in this Chapter shall
23 have the meaning ascribed to them as follows:

24 [(A)] "Metro" means the Las Vegas Metropolitan Police Department.

25 "Qualified agent" means a principal of the employer or a representative of a non-restricted
26 gaming licensee's human resources department.

27 [(B)] "Referral slip" means a written statement signed and dated by a designated authorized agent
28 of an employer which contains the name and address of a person who needs a work card to engage in

1 the employment offered to him by the employer and a description of the kind of employment offered.
2 [(C)] "Work card" means a card [or permit] issued by Metro [or other lawful authority] which
3 authorizes the holder to be employed in the capacity as specified on the card and contains a
4 photograph and other identification of the holder

5 SECTION 154: Title 6, Chapter 86, Section 30, of the Municipal Code of the
6 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.86.030:** It is unlawful for any employer to employ a person who is required to have a work card
8 unless such person has a valid work card for such employment. [Each employer shall designate an
9 authorized agent to be responsible for completing a referral slip and for immediately directing
10 prospective employees requiring work cards to Metro.] Each employer shall designate a qualified
11 agent to immediately complete referral slips and refer prospective employees requiring work cards to
12 Metro. Prior to the referral slips being sent to Metro the qualified agent shall verify that all requested
13 information regarding the prospective employees is included. The [authorized] qualified agent shall
14 also be responsible for notifying Metro within five days from the date that a new employee already
15 possessing a valid work card commences employment.

16 SECTION 155: Title 6, Chapter 86, Section 40, of the Municipal Code of the
17 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.86.040:** A person who desires a work card shall complete an application and provide the
19 appropriate authorization and release for Metro to obtain all necessary background information. The
20 applicant shall also allow Metro to obtain all required photographs and fingerprints for the initial
21 application or renewal process. In addition, the applicant shall provide the following information:

- 22 (A) A referral slip from the prospective employer;
- 23 (B) The applicant's name and other names, nicknames, and aliases by which the
24 applicant has been known and the applicant's current address;
- 25 (C) The applicant's date of birth, place of birth, marital status, height, weight, color
26 of eyes and hair;
- 27 (D) When deemed appropriate by Metro in order to verify name, age, place of birth
28 or legal residence in the United States, the applicant's birth certificate, alien registration card,

1 citizenship papers or other recognized documents of identification;

2 (E) Any crimes excepting misdemeanor traffic offenses for which the applicant has
3 been cited, arrested or convicted, plus the date, place and disposition of such charges;

4 (F) Any information from a regulatory authority including, but not limited to, any
5 previous revocation, suspension, denial or disciplinary action taken against the applicant in connection
6 with a business license, work [permit] card or other regulatory matter in Nevada or any other
7 jurisdiction;

8 (G) The names and addresses of all places of employment of the applicant for five
9 years prior to the date of the application;

10 (H) For any minor child, a standard letter of approval to work from Clark County
11 Family and Youth Services;

12 (I) Such other information that may be required by Metro which reasonably relates
13 to the applicant's fitness to hold a work card.

14 SECTION 156: Title 6, Chapter 86, Section 70, of the Municipal Code of the
15 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.86.070:** (A) Each applicant for an original work card, or for a renewal or replacement
17 thereof, shall pay to Metro the non-refundable fees that pertain to that card. The fee amounts shall be
18 in accordance with a fee schedule that has been approved by Metro's Committee on Fiscal Affairs.

19 (B) Each applicant shall pay the fee established by Metro for the investigation of
20 an application for a work card, whether the application is approved or denied. Such fee is a collectible
21 debt owed to Metro and must be paid in full before a work card will be issued.

22 SECTION 157: Title 6, Chapter 86, Section 80, of the Municipal Code of the
23 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.86.080:** [Whener] Whenever a person obtains the issuance or renewal of a work card, such card
25 shall be deemed a temporary card for the first [one hundred] ninety days subject to the completion of
26 the investigation of the applicant [and, in the case of a gaming card, a review by State Gaming
27 authorities]. Should the investigation show the applicant is unsuitable for the reasons set out in
28 Section 6.86.110, [or should the State gaming authorities object to the issuance or renewal of a work

1 card for gaming pursuant to NRS 463.335, then] the work card shall be immediately cancelled and
2 repossessed by Metro.

3 SECTION 158: Title 6, Chapter 86, Section 90, of the Municipal Code of the
4 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.86.090:** [(A)] A work card shall expire five years from the date it is issued unless otherwise
6 designated by Metro, the City Council or this Code.

7 [(B) A work card for gaming shall expire ten days following any change in the
8 holder's place of employment and ninety days after the holder discontinues employment as a gaming
9 employee in the City.]

10 SECTION 159: Title 6, Chapter 86, Section 110, of the Municipal Code of the
11 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.86.110:** Metro may deny the issuance or renewal of a work card or suspend or revoke a work
13 card for the following reasons:

14 (A) The application is incomplete or the applicant or holder has made false,
15 misleading or fraudulent statements with respect to any material information contained in the
16 application;

17 (B) [The applicant or holder has committed or been convicted of any crime
18 involving moral turpitude. For purposes of this Subsection, crimes of moral turpitude are those crimes
19 which necessarily involve an intent to defraud, intentional dishonesty for personal gain, intentional
20 causing of serious injury to another person, or any sex-related crime;] The applicant or holder is
21 currently under investigation regarding, has committed, or has been convicted of any crime involving
22 moral turpitude. For purposes of this Subsection, an applicant or holder is currently under
23 investigation during the period of time from the original charge regarding a crime until adjudication
24 of that charge, and crimes of moral turpitude are those crimes which necessarily involve an intent to
25 defraud, intentional dishonesty for personal gain, intentional causing of serious injury to another
26 person, sale of narcotics, possession of narcotics with intent to sell or any sex-related crime;

27 (C) The applicant or holder fails to meet age or other requirements for the particular
28 employment as may be set forth in this Code, or State and Federal laws or regulations;

1 (D) The applicant or holder illegally resides in the United States;

2 (E) The applicant or holder has been subject to a revocation, suspension, or other
3 disciplinary action against a business license or work card or permit in Nevada or any other
4 jurisdiction to the extent that such disciplinary action reflects upon the fitness of the applicant or
5 holder to have a work card;

6 (F) The applicant or holder has worked for an employer without a work card when
7 one was required;

8 (G) Where substantial information exists showing the applicant or holder to be
9 dishonest or corrupt[;].

10 [(H) In the case of an applicant for a gaming work card any reason enumerated in
11 NRS 463.335, Section 7, subsections (a) through (f) and, in the case of a holder of a gaming work
12 card, any reason enumerated in NRS 463.337, Section 2, subsections (a) through (i).]

13 SECTION 160: Title 6, Chapter 86, of the Municipal Code of the City of Las
14 Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as
15 Section 6.86.130, to read as follows:

16 **6.86.130:** Other than regarding a sex related crime, for which no time restriction is imposed, the
17 period of time for review of an applicant's criminal history shall date back ten years from the date of
18 application for the work card, unless the same crime has been committed more than once during the
19 applicant's adulthood, in which case no time restriction applies to that crime.

20 SECTION 161: Title 6, Chapter 86, Section 140, of the Municipal Code of the
21 City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

22 SECTION 162: Title 6, Chapter 86, Section 150, of the Municipal Code of the
23 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.86.150:** (A) Except as otherwise provided in Subsection [(B)] (C), any applicant aggrieved
25 by a decision of Metro with respect to the issuance, renewal, denial, revocation or suspension of a
26 work card may appeal such decision within [thirty] ten days to the City Council by filing with [Metro
27 and the City Clerk] the Department a written notice of appeal identifying with specificity the errors
28 of law or fact that the applicant believes were made in connection with Metro's decision.

1 (B) The City Council shall hear the applicant [at the next regularly scheduled
2 meeting following the expiration of ten days after the applicant files a notice of appeal.] within forty-
3 five days of the filing of the appeal, subject to the requirements of the Nevada open meeting law.
4 Upon the filing of an appeal, Metro may issue a temporary work [permit] card which will be revoked
5 or become permanent upon the final decision of the City Council.

6 ~~(B)~~ (C) In the case of a decision by Metro which is based upon the unemployability of
7 a person pursuant to NRS 648.060(3)(d), the decision is appealable only by means of petition to the
8 State of Nevada District Court.

9 (D) In addition to any written briefs, exhibits or other documentation submitted on
10 behalf of the applicant's appeal, the applicant or his or her legal counsel shall attend, make an opening
11 statement and be prepared to make oral arguments to the City Council in support of the appeal. Any
12 criminal history of the applicant relied on by Metro as a basis for its denial, suspension or revocation
13 of the applicant's work card and referenced by the applicant during his or her appeal shall become part
14 of the public record and may be openly discussed during the appeal hearing.

15 SECTION 163: Title 6, Chapter 86, Section 160, of the Municipal Code of the
16 City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

17 SECTION 164: Title 6, Chapter 86, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as
19 Section 6.86.160, to read as follows:

20 **6.86.160:** An appeal of a work card denial pursuant to Section 6.86.150 shall include a statement
21 from a prospective employer in support of the applicant's employment. Such affidavit must include:

22 (A) An acknowledgment that the prospective employer has been informed of the
23 applicant's adult criminal history.

24 (B) Which prior crimes of the applicant were disclosed to the prospective employer.

25 (C) The name of the prospective employer and the name and address of his or her
26 business.

27 ~~(D)~~ The City business license number of the employer.

28 SECTION 165: Title 6, Chapter 86, Section 180, of the Municipal Code of the

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

2 **6.86.180:** Employers of persons who are required to have work cards shall:

3 (A) Maintain and make available for inspection, during normal business hours, by
4 Metro or the Department a list of all employees who have been employed in capacities that require
5 a work card. The list must include the employee's name, work card number and date of expiration.
6 The list must also include all current employees and all those employed during the previous three
7 years; and

8 (B) Upon the employment of a person in a capacity allowed by his current work
9 card, other than one in gaming, notify Metro, on the form provided by Metro, of the employment of
10 that person in any capacity requiring a current work card, other than one in gaming, within [ten] five
11 days of such employment[; and

12 (C) Designate an authorized agent to be responsible for signing referral slips,
13 maintaining employee lists, providing notification of the hiring of new employees and the changing
14 of places of employment and verifying that all required employees have valid, current work cards].

15 SECTION 166: Title 6, Chapter 88, Section 40, of the Municipal Code of the
16 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.88.040:** If the City Council approves the complaint, it shall cause a copy of the complaint and
18 a notice of hearing to be served upon the respondent, either personally or by registered or certified
19 mail, return receipt required, at his address on file with the Department [of Business Activity]. The
20 complaint and notice of hearing shall be served on the respondent at least ten days prior to the hearing.

21 SECTION 167: Title 6, Chapter 90, Section 30, of the Municipal Code of the
22 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.90.030:** On a license application approved by the Director, an applicant for a market promoter
24 license shall provide the following information:

25 (A) The name, address, and telephone number of all the principals of the applicant.

26 (B) The business name, business address, and business telephone number of the
27 applicant.

28 (C) The location of the proposed farmers' market operation.

1 (D) A description of the nature of the operation and the period of time proposed for
2 operations.

3 (E) A list of the producers, farm product vendors and those persons who will be
4 non-farm product vendors, to include the producers' and vendors' business names, telephone numbers,
5 and a description of the products to be sold at the farmers' market.

6 (F) Proof of compliance with the [Clark County] Health District regulations
7 pertaining to the proposed farmers' market operation.

8 (G) Proof of compliance or exemption from the State Department of Taxation
9 regulations.

10 SECTION 168: Title 6, Chapter 90, Section 50, of the Municipal Code of the
11 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.90.050:** It is unlawful for any non-farm product vendor to sell items at a farmers' market
13 without first obtaining and thereafter maintaining a valid license to do so from the Department
14 pursuant to this Chapter. Before a license to sell non-farm product consumables is issued by the
15 Department, the applicant must obtain a health permit from the [Clark County] Health District and
16 comply with all other applicable Health District requirements.

17 SECTION 169: Title 6, Chapter 90, Section 70, of the Municipal Code of the
18 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.90.070:** On a form approved by the Director, an applicant for a non-farm product vendor license
20 shall provide the following information:

21 (A) The name, address, and telephone number of all the principals of the applicant.

22 (B) The business name, address, and telephone number of the applicant.

23 (C) The location of the farmers' market.

24 (D) A description of the nature of the operation and the period of time proposed to
25 be conducted in conjunction with the farmers' market.

26 (E) Proof of compliance with the [Clark County] Health District regulations, if
27 applicable, pertaining to the proposed vending operation.

28 (F) Proof of compliance with the State Department of Taxation regulations.

1 (G) Written documentation signed by the market promoter authorizing participation
2 in the farmers' market.

3 SECTION 170: Title 6, Chapter 90, Section 100, of the Municipal Code of the
4 City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.90.100:** At the time of any and all sales made at a farmers' market, each producer and farm
6 product vendor must post in a conspicuous manner at the sales location:

7 (A) A health permit from the [Clark County] Health District, if applicable, and
8 evidence of compliance with all other applicable Health District requirements.

9 (B) A current valid certificate, if the state in which the farm product is grown
10 requires certification in order to sell the farm product in that state.

11 (C) A sign stating "Non-Certified," if the state in which the farm product is grown
12 does not require certification in order to sell the farm product in that state.

13 SECTION 171: Title 6 of the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, is hereby amended by adding thereto a new chapter to consist of the provisions set forth
15 below as Sections 172 through 174, inclusive, of this Ordinance.

16 SECTION 172: Any person who engages in the business of renting or leasing
17 commercial property not utilized for residential use, either on behalf of himself or another, shall
18 comply with and be subject to the provisions of this Chapter.

19 SECTION 173: (A) Any person who, on behalf of another, engages in the
20 business of renting or leasing commercial property not utilized for residential use, and who is subject
21 to professional licensing under State law, shall be licensed by the City under the applicable
22 professional category and pay the applicable license fee.

23 (B) Any other person who engages in the business of renting or leasing commercial
24 property not utilized for residential use, including a person who acts for himself, shall pay, in advance,
25 a semiannual license fee based on the person's gross semiannual income from rentals or leases of
26 commercial property pursuant to the schedule set forth in LVMC 6.04.005.

27 SECTION 174: Any person who, on behalf of one or more commercial property
28 owners, rents or leases commercial property not utilized for residential use shall, upon the request of

1 the Director, provide a list of all commercial properties the person rents or leases on behalf of
2 commercial property owners.

3 SECTION 175: Title 6, Chapters 6.07, 6.38 and 6.82 of the Municipal Code of
4 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed.

5 SECTION 176: Title 19, Chapter 00, Section 70, of the Municipal Code of the
6 City of Las Vegas, Nevada, 1983 Edition is hereby amended by adding thereto a new subsection,
7 designated as Subsection (G), reading as follows:

8 (G) Registration of Certain Nonprofit Organizations. In order to assist in the
9 enforcement of the land use-related provisions of this Title, any nonprofit organization proposing to
10 operate a use or activity within a building or upon any premises shall first register with the Department
11 of Finance and Business Services. The Department of Finance and Business Services is authorized
12 to provide such registration information to the Planning and Development Department in order for the
13 latter to ensure that the proposed operation is or will be in conformance with the provisions of this
14 Title.

15 SECTION 177: For purposes of Section 2.100(3) of the City Charter, LVMC
16 19.00.070 is deemed to be a subchapter rather than a section.

17 SECTION 178: Sections 116 and 164 of this Ordinance shall become effective
18 as of 12:01 A.M. the day after publication of this Ordinance by title.

19 SECTION 179: If any section, subsection, subdivision, paragraph, sentence,
20 clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or
21 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity
22 or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of
23 the 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 180: Whenever in this ordinance any act is prohibited or is made or
28 declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of

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

6 SECTION 181: All ordinances or parts of ordinances or sections, subsections,
7 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

10 APPROVED:
11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:
15 _____
16 BEVERLY K. BRIDGES, CMC
17 City Clerk

18 APPROVED AS TO FORM:
19 _____
20 *Val Steed* 6-19-08
21 _____
22 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 _____, 2008, 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 _____, 2008, 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:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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BUSINESS IMPACT STATEMENT

BILL NO. 2008-34

(Amends the business license code pertaining to the license application process, licensee regulations, administrative fees, business license categories, designation of license agencies and officials, compliance with amendments to State law, and other related matters)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2008-34, that will amend the business license code pertaining to the license application process, licensee regulations, administrative fees, business license categories, designation of license agencies and officials, compliance with amendments to State law, and other related matters.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A notice regarding the proposed changes was published on several consecutive days in the Las Vegas Review-Journal. In addition, a copy of the proposed ordinance and an invitation to respond were provided to the Greater Las Vegas Association of Realtors® (GLVAR) and the Las Vegas Chamber of Commerce (LVCC). Comments were received from the GLVAR and LVCC. A summary of those comments, which is available to interested persons as part of this business impact statement, is as follows:

GLVAR

Objections were voiced regarding:

1. The idea of “expanding” the definition of “business”
2. Giving the City inspection authority over licensed Realtors®
3. Imposing a fee increase regarding new licenses and license-related changes
4. The idea of multiple taxation of leased space
5. An increased reporting burden on property managers

Though not directly related to the impact of the proposed ordinance, GLVAR also requested a return to the use of previous terminology regarding real estate professionals, and a reduction in license fees from those that exist currently

LVCC

Citing the current state of the economy, the LVCC registered opposition to proposed fee increases relating to new business licenses and to license-related changes

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

- Increased fees for processing license applications and license-related changes
- Increase in license fees for certain sales or service agents or representatives
- Additional burden of reporting transactions, when requested to do so, for certain persons engaged in the business of commercial rentals

Beneficial effects:

Regulatory effect on certain licensees lessened in response to changes in State law

Direct effects:

- Increased fees for processing license applications, license-related changes
- Increase in license fees for certain sales or service agents or representatives
- Additional burden of reporting transactions, when requested to do so, for certain persons engaged in the business of commercial rentals
- Regulatory effect on certain licensees lessened in response to changes in State law

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

No additional methods to reduce the impact were considered or used. The City's consideration of the objections that were raised includes the following:

- Regarding the suggestion that the City is "expanding" the definition of "business," the additional language is clarifying only. It is not intended to include additional businesses within the scope of licensing, but rather to give the City the ability to more readily identify those who are in business and identify the scope and nature of their business activities.
- Regarding the suggestion that the proposal will give additional City inspection authority over licensed Realtors®, the proposal does not give the City any more authority over those doing business than current ordinances and State law authorize.
- Regarding proposed fee increases, most of the increases are not license fee increases, but are in the nature of processing fees that attempt to recoup more (but not all) of the City's costs of administration and enforcement. The limited increase in license fees related to sales and service

agents is designed to be consistent with other similar fee categories and to help identify transactions that otherwise might not be recognized as business activities.

–Regarding the idea of multiple taxation of leased space, the proposed language is merely to clarify the existing Code approach to licensing and license fees pertaining to the business of leasing and renting commercial space. Because current Code provisions do not specifically call out that type of business, it has been difficult on occasion to recognize such businesses under general or default categories.

–Regarding the increased burden of reporting on those who rent or lease commercial space on behalf of property owners, the reporting is proposed to be on an as-requested basis, and should not add any significant burden. Records of transactions normally would be kept and maintained anyway for other purposes.

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

Minimal additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Approximately \$320,000

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Offset costs of administration and enforcement of licensing provisions

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: June 19, 2008

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-35 – Repeals obsolete provisions of the Municipal Code relating to the City’s representation on the District Board of Health. Proposed by: Beverly K. Bridges, City Clerk

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will repeal obsolete provisions of the Municipal Code relating to the City’s representation on the District Board of Health. The membership of the District Board of Health, including City representation, is now governed by NRS 439.362, and the need for Municipal Code provisions on the subject has been eliminated.

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. 2008-35

Motion made by LOIS TARKANIAN to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that several years ago, before the State Legislature mandated the makeup of the local Health District, the City had several options as far as appointments to the District Board of Health. Subsequently, a law was enacted designating who would be represented on that Board. Bill No. 2008-35 was proposed to repeal the obsolete provisions of the Municipal Code.

Responding to COUNCILMAN BARLOW’S request, CHIEF DEPUTY CITY ATTORNEY STEED explained that relative to the Municipal Code, the City would appoint two individuals to the Board. With the enactment of the new law, the Ordinance has become irrelevant and inaccurate.

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SECTION 3: 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 _____, 2008.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 7-2-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, 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 _____, 2008, 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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12 APPROVED:

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14 By OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
18 City Clerk
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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-36 - Granting a Franchise Agreement to AGL Networks, LLC, and setting the purpose, character, term, time and conditions of the franchise agreement. Proposed by: Mark Vincent, Director of Finance and Business Services

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Grants to AGL Networks, LLC, a limited-liability company organized and existing under the laws of the State of Delaware (AGL), authorized to do business in Nevada, a non-exclusive franchise for ten (10) years with an option to renew for five (5) years for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and AGL Networks, LLC, incorporated in this bill.

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. 2008-36
2. Proposed Franchise Agreement

Motion made by LOIS TARKANIAN to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MARK VINCENT, Director of Finance and Business Development, explained that this is one of several standard franchise agreements between AGL Network, LLC and the City for access to the City's rights-of-way for installation of various facilities. He noted that Sections 11 and 12 specify the requirements for proper permits, notification and specifies the hours of operation. He recommended approval.

RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

In response to COUNCILWOMAN TARKANIAN'S question regarding revenues, MR. VINCENT explained that the City would receive a five percent franchise fee on the gross revenues depending on the type of infrastructure they install. He noted that this agreement gives the franchisee the right to install infrastructure underneath the street in the rights-of-way.

TEDDY RUSSELL, Las Vegas resident, asked what the acronym AGL stood for. CHRIS WARE, Franchise Officer, verified that that is the complete name of the company. MR. WARE also clarified that CPCN refers to a Certificate of Public Convenience and Necessity, which is a document issued by the Public Utilities Commission, approving and authorizing a business to provide telecommunication services within the state.



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BILL NO. 2008-36

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO AGL NETWORKS, LLC, A LIMITED LIABILITY COMPANY (AGL) ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE AND AUTHORIZED TO DO BUSINESS IN NEVADA, A NON-EXCLUSIVE FRANCHISE FOR A TELECOMMUNICATIONS SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, SUBJECT TO AND IN ACCORDANCE WITH THAT CERTAIN FRANCHISE AGREEMENT ENTERED INTO BETWEEN THE CITY OF LAS VEGAS AND AGL; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Summary: Grants to AGL Networks, LLC, (AGL) a non-exclusive franchise for the purpose of constructing, using and maintaining a telecommunications service within the corporate limits of the City of Las Vegas, subject to and in accordance with the terms and conditions of the Franchise Agreement between the City of Las Vegas and AGL incorporated by reference into this Ordinance.

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

SECTION 1: The City of Las Vegas, Nevada, hereby grants to AGL Networks, LLC, the non-exclusive right, privilege, authority and permission to construct, use and maintain a telecommunications service system in, upon, along, across, above, over and under all present and future public ways (excluding railroad rights-of-way), highways, streets, avenues and alleys within the incorporated boundaries of the City of Las Vegas, subject to and in accordance with the terms and conditions of that certain document entitled Franchise Agreement dated the 1st day of September, 2008, by and between the City of Las Vegas and AGL Networks, LLC, a copy of which said Franchise Agreement is on file with the Clerk of the City of Las Vegas and by this reference incorporated herein. For the purposes of this Section the term "telecommunications service" has the same meaning as that term is defined in the United States Code 47 U.S.C. 153 (46).

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection,

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for
4 recommendation; thereafter the said committee reported favorably on said ordinance on the ____
5 day of _____, 2008, 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 APPROVED:

12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:
16
17 BEVERLY K. BRIDGES, CMC
18 City Clerk

FRANCHISE AGREEMENT

between

THE CITY OF LAS VEGAS

and

AGL NETWORKS, LLC

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FRANCHISE AGREEMENT

This Franchise Agreement ("this Agreement") is executed to be effective the 1st day of _____, 2008, between the City of Las Vegas, a municipal corporation of the State of Nevada, ("the City") and AGL Networks, LLC, a limited liability company organized and existing under the laws of the State of Delaware ("Company").

WHEREAS, the City is a municipal corporation duly incorporated within the State of Nevada and authorized, pursuant to the City Charter and applicable provisions of general laws of the State of Nevada, to enter into this Agreement; and

WHEREAS, Company has applied for a franchise for the purpose of constructing, installing, operating and maintaining Telecommunications Service Facilities in the Rights-of-Way within the corporate limits of the City; and

WHEREAS, the City Council has adopted a resolution setting forth the name of the applicant for and the purpose, character, terms, time and conditions of the proposed franchise and the date, time and place of a public hearing on the question of the advisability of granting said proposed franchise to Company; and

WHEREAS, said application coming on regularly for hearing on the _____ day of _____, 2008, and it appearing by an Affidavit of Publication that due and legal notice of the filing of said application, and of the filing of the date, time and place for consideration of the same, has been given by publication of that Resolution adopted by the City Council in the Las Vegas Review Journal, a newspaper of general circulation within the City, to-wit:

In the issue of said newspaper published on the _____ day of _____, 2008, and the _____ day of _____, 2008; and

WHEREAS, the City Council, in the exercise of its lawful power has determined that it is in the best interests of the inhabitants of the City that a franchise be granted, subject to the terms and conditions hereinafter set forth.

NOW THEREFORE, in consideration of the premises and of the performance by Company of the conditions hereinafter set forth, the City Council of the City of Las Vegas, State of Nevada, hereby grants a franchise to Company, subject to the following terms and conditions:

SECTION 1: SHORT TITLE

This Franchise Agreement may be cited as the "AGL Franchise Agreement."

SECTION 2: DEFINITIONS

For the purpose of this Agreement, the following terms, phrases, words and their derivations shall have the meanings given in this Section unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined in this Section shall be given their common and ordinary meaning.

A. "City" means the City of Las Vegas, a municipal corporation of the State of Nevada

B. "City Council" or "Council" means the legislative body of the City

C. "Code" means the official code of all of the City's ordinances of a general and permanent character, as may be adopted and amended by the City Council

D. "Company" means AGL Networks, LLC, a limited liability company organized and existing under the laws of the State of Delaware.

E. **“CPCN”** means a Certificate of Public Convenience and Necessity issued by the Nevada Public Utilities Commission authorizing the holder thereof to provide Telecommunications Service within the City.

F. **“Facility”** or **“Facilities”** means all antennae, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by any authorized user of the Rights-of-Way for the provision of authorized services within the City

G **“Franchise”** means the non-exclusive authorization granted herein to rent and use Rights-of-Way to construct, operate and maintain Company Facilities for the purpose of providing Telecommunications Service.

H. **“Gross Revenue”** means any and all intrastate retail revenue of Company from Telecommunications Service provided to customers within the City, including but not limited to:

1. All revenue charged on a flat rate basis;
2. All revenue from intrastate long distance calls originating in the State of Nevada and billed to an address physically located in the City;
3. All revenue from installation service charges,
4. All revenue from connection, disconnection or change-of-service fees,
5. All revenue from penalties or charges to customers for late payments or for checks returned from banks;
6. Recoveries of bad debts previously written off and revenue from the sale or assignment of bad debts, provided that revenue may be adjusted for net write-off of uncollectible accounts computed on the average annual rate for customers within the City;
7. All revenue that is designated by City, State or Federal law to be subject to fees under this Franchise.

“Gross Revenue” shall not include. (a) any tax passed through to consumers on behalf of governmental agencies received by Company for service provided to customers through the use of Facilities; (b) any charges passed through to the customers for interconnection with the local exchange provider; (c) any proceeds from the sale of bonds, mortgages or other evidence of indebtedness, securities or stocks; (d) any long-haul wholesale revenue; and (e) any revenue other than intrastate revenue collected from retail customers. Company is not required to measure each category of revenue separately; provided that in the event of an audit by the City, Company will be required to provide an appropriate justification for amounts reported as Gross Revenue under this Agreement.

I. **“Public Works Director” or “Director”** means the Director of the City’s Public Works Department, or his or her designee.

J. **“Reasonable Attorney’s Fees”** means reasonable charges for legal representation as may be incurred by the City and determined by a court of proper jurisdiction.

K. **“Rights-of-Way”** means all present and future streets, avenues, highways, alleys, bridges and public ways (excluding railroad rights-of-way) of the City within the City limits.

L. **“Telecommunications”** has the same meaning as that term is defined in the United States Code, 47 U S C. 153(43), as it may be amended from time to time.

M. **“Telecommunications Carrier”** has the same meaning as that term is defined in the United States Code, 47 U.S.C. 153(44), as it may be amended from time to time.

N. **“Telecommunications Service”** has the same meaning as that term is defined in the United States Code, 47 U.S.C. 153(46), as it may be amended from time to time.

SECTION 3: GRANT OF NON-EXCLUSIVE FRANCHISE

A. The City hereby grants to Company, subject to the terms, conditions and limitations contained in this Agreement, a Franchise with permission to rent, use and occupy

Rights-of-Way within the corporate limits of the City, as the same now exist or may be extended in the future, to provide Telecommunications Service, including the right and privilege to erect, construct, maintain and operate Telecommunications Facilities within the Rights-of-Way necessary or convenient for the transmission and distribution of Telecommunications Service, including private property easements on which preliminary subdivision plats have been approved by the City for the provision of public utilities within the corporate limits of the City, as the same now exist or may be extended in the future

B. Company shall be subject to all requirements of City ordinances, rules, regulations and specifications hereafter enacted or established in so far as such ordinances are not in violation of any State or Federal regulation.

C This Franchise does not grant Company the right to provide any "video service" (as such term is defined in NRS 711.141) without a valid State-issued franchise for such service.

D This Franchise is non-exclusive and shall not be construed as a limitation on the City's right to grant rights, privileges and authority to other persons or entities similar to or different from those herein set forth to use the Rights-of-Way or to operate a public utility.

SECTION 4: DURATION

This Franchise is for a period of ten years from and after the effective date of this Agreement. If Company is in compliance with all material provisions of this Agreement, Company has the option of renewing this Franchise under the same terms and conditions of this Agreement for one additional period of five years by giving the City written notice of such renewal no later than 90 days prior to the expiration of the original 10-year term.

SECTION 5: COMPLIANCE WITH APPLICABLE LAWS

Company shall at all times comply with all applicable Federal, State and local laws, rules and regulations concerning the provision of Telecommunications Service, including all

applicable Federal Communications Commission and Nevada Public Utilities Commission rules, regulations and orders.

SECTION 6: BUSINESS LICENSES, FEES AND TAXES

A. At all times during which Company is authorized to provide Telecommunications Service within the City pursuant to a CPCN, Company shall maintain a valid unexpired business license specific to its Telecommunications Service business pursuant to Chapter 6.67 of the Code.

B. In addition to the business license required by Subsection (A), Company shall maintain all other business licenses specific to any of Company's business activities other than those of providing Telecommunications Service, as such other business activities are specified in the Code. Company shall pay all license fees due from such other business activities separately from the payment of fees due for its Telecommunications Service business

C. In addition to payment of the fees specified in Subsections (A) and (B), Company shall pay all lawful property taxes, ad valorem taxes and local improvement district assessments and all exactions, fees and charges that are generally applicable during Company's real property development or use as required by the Code.

D. Acceptance by the City of any payment due under this Section shall not be deemed to be a waiver by the City of any breach of Company's obligations under this Agreement or applicable law, and such acceptance shall not preclude the City from later establishing that a larger amount was actually due or from collecting such balance.

SECTION 7: FRANCHISE FEES

A. In the event that the business license fees required by Section 6(A) above are declared illegal, unconstitutional or void for any reason by any court or proper authority, Company shall be contractually bound to pay the City as a franchise fee for its use of the Rights-

of-Way, as provided for herein, an aggregate amount equal to the amounts which otherwise would have been paid as Telecommunications Service business licensee fees.

B The fees required to be paid pursuant to Subsection (A) shall be paid quarterly by the fifteenth day of the second month following the end of each calendar quarter for which payment or portion thereof is due. Company shall furnish to the City with each payment of compensation required by this Section a written statement, showing the amount of Gross Revenue of Company subject to a fee under this Agreement for the period covered by the payment.

C. Acceptance by the City of any payment due under this Section shall not be deemed to be a waiver by the City of any breach of this Agreement occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due or from collecting any balance due to the City.

SECTION 8: REVIEW AND AUDIT OF COMPANY'S RECORDS

A. The City shall have the right to annually review or audit Company's books and records in accordance with generally accepted accounting and audit standards regarding any amounts which may be owed under this Agreement. This right includes the right to review and audit all books and records of revenue which may be reasonably considered by the City to be subject to a business license or franchise fee. The City shall give written notice to Company of any additional amount claimed to be due to the City as a result of the City's review. Any amount due shall be paid within thirty days following the City's notification that such amount is due and payable. If the City's review shows Company has overpaid, said overpayment shall be reimbursed to Company by the City within thirty days of such determination.

B. Company shall keep complete and accurate books and records of its business and operations pursuant to this Agreement in accordance with generally accepted accounting practices and in accordance with the rules and regulations of the State of Nevada.

C. Company shall provide the City with access to and/or copies of all records, books, contracts, accounts and documents of Company (or any affiliate thereof), whether in an electronic, print or other format (hereafter referred to collectively as "Records") for Company's operations in the City, to the extent reasonably necessary for the City to perform an audit. All Records shall be retained by Company for a period of five years. Company shall make Records available to the City for inspection and/or copying at a location in the City, upon thirty days notice from the City

D. Upon request by the City, Company shall provide to the City copies of all papers filed by Company with any federal or state regulatory agency that pertain to Company's Facilities located in the City.

SECTION 9: ADA REQUIREMENTS

Company shall install all of its Facilities in the Rights-of-Way in a manner consistent with the Americans with Disabilities Act ("ADA"), including any reconstruction or modification of existing Facilities. Following notice by the City of an ADA violation or construction problem caused directly or indirectly by Company, Company shall, within thirty days or such other time as the Public Works Director reasonably determines to be appropriate, remedy the ADA violation or problem.

SECTION 10: CONSTRUCTION PERMITS; EMERGENCY REPAIRS

A. The City may require Company to obtain a construction, encroachment or occupancy permit for any work in the Rights-of-Way, may inspect any construction, installation, maintenance or repair work performed in the Rights-of-Way, and may charge a fee to issue such

permit or to perform such inspection. The City shall act upon any request by Company for a permit no later than ten business days after the date on which the request is made.

B. If there is an emergency requiring immediate response work or repair in, on, under or over any Rights-of-Way, Company may begin such work or repair without first obtaining a permit; provided that Company shall notify the Public Works Director as promptly as is reasonably possible after learning of the need for the emergency work, shall subsequently obtain any permit that otherwise would have been required for non-emergency work, shall pay all applicable fees for such permit, and shall restrict any work performed in the Rights-of-Way prior to obtaining a permit to emergency work and repairs

C. The amount of any permit or inspection fee under this Section or Section 11 below shall not exceed the actual costs incurred by the City in administering the process of issuing such permits and performing such inspections

SECTION 11: REQUIREMENTS BEFORE WORKING IN RIGHTS-OF-WAY

Before Company may conduct underground work involving excavation, new construction or major relocation work in any Rights-of-Way that will block one or more lanes of motor vehicle traffic, Company shall:

A. Notify the City and comply with any special conditions relating to location, scheduling, coordination and public safety;

B. Apply for and obtain a permit from the Public Works Director;

C. Submit and obtain approval of a traffic barricade plan,

D. File maps and drawings showing the location of any construction or extension of its Facilities in the Rights-of-Way; for conduit, the maps and drawings shall show the size, location, burial depth and configuration of the conduit, the trench backfill material and width, and the method of pavement restoration;

E. Participate in the "Call Before You Dig" program set forth in NRS Chapter 455, as amended, with regard to giving and receiving notice of the location of Facilities and excavations;

F. Pay all permit fees; and

G. Provide security and proof of insurance as required in Sections 18 and 19 below.

SECTION 12: INSTALLATIONS, EXCAVATIONS AND RESTORATIONS

A. In using the Rights-of-Way for its Facilities, Company shall comply with the following requirements:

1. All construction work in the Rights-of-Way performed by or on behalf of Company shall be performed in a safe manner subject to the approval of the Public Works Director and in accordance with all applicable laws, rules, regulations and permitting requirements related to public safety or the use of the Rights-of-Way. When the public improvement designs prepared by Company are not covered by, or are not at least minimally compliant with, the improvement standards in Title 13 of the Code, plans and specifications for construction, reconstruction, installations and repairs of public improvements must bear the seal of a Nevada registered professional engineer.

2. Company shall not place any Facilities on, over or within the median portion of any boulevard or parkway without first having obtained the written permission of the Public Works Director.

3. Company shall not place any of its above-ground Facilities in any sidewalk area in the Rights-of-Way without the prior written consent of the Public Works Director

4. Company shall not attach any of its Facilities to any City-owned Facilities unless Company has entered into a written agreement with the City for the rights of attachment and use

5. The City may require through any permitting process that any installations, excavations and restorations affecting street or lane closures shall, as often as practicable, be performed after 6:30 p.m. and before 6:00 a.m. No such work shall be performed from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. except for emergency repairs performed in accordance with Section 10 above.

6. The City may assist in the coordination and scheduling of any Company projects where such project may be reasonably coordinated with the placement of other Rights-of-Way users' Facilities, provided that, subject to City permitting processes and approvals, Company may otherwise control the scheduling of its projects consistent with this Agreement.

7. Whenever it is commercially reasonable to do so, Company shall use "trenchless" technology in the placement of its Facilities. Except in an emergency as specified in Section 10 above, Company shall, not less than seven working days prior to the commencement of any work by Company which involves excavation in any Rights-of-Way, notify the Public Works Director and any appropriate utility coordinating committee for purposes of utility location. Minimum notice to the City shall be by telephone communication or in person prior to any work, followed by notice in writing as soon as practical. Company shall provide advance notice so as not to disrupt services of the City or any other person or utility using any Rights-of-Way and to allow the City to place any inspector it may deem necessary at the site of the project.

B. Company shall at all times take all reasonable precautions to minimize interruption to traffic flow, damage to property or creation of a hazardous condition.

C. After an excavation is made and after any excavation work is completed, Company shall, as soon as practicable, but not later than seventy-two hours, remove all surplus material; except that if the surplus material is blocking a public street or sidewalk, Company shall remove such material no later than twenty-four hours after the excavation is made or the excavation work is completed.

D. Company shall reconstruct, replace or restore any landscaping, street or alley, or any water, sewer, sanitary sewer, storm drainage, traffic signal or street light Facility, or any other Facility of the City disturbed by Company, within thirty days of written notice by the City, to essentially the same condition as existed prior to disturbance by Company, as reasonably determined by the Public Works Director, consistent with specifications, requirements and regulations of the City in effect at the time of such restoration. Any such improvements so disturbed by Company shall be reconstructed, replaced or restored only under the supervision of City personnel. All costs incurred in surplus material removal and restoration, whether done with the City's work forces and equipment or otherwise, shall be paid by Company, including the cost of any inspectors the City may assign to the project

SECTION 13: LOCATION AND RELOCATION OF FACILITIES

A. All Facilities of Company shall be placed so that they do not interfere with the use of Rights-of-Way by the City and shall only be placed after approval of the location by the Public Works Director and in accordance with any specifications adopted by the City governing the location of Facilities

B. Whenever the City excavates or performs any work in the Rights-of-Way and such excavation or work may disturb but not require the removal or relocation of Company's Facilities, the City shall notify Company sufficiently in advance of the excavation or work to enable Company to take such measures as it may deem necessary to protect its Facilities from

damage and inconvenience, or from injury or damage to the public or the Rights-of-Way. If Company cannot take such measures, Company shall be required to relocate its Facilities in accordance with this Section, in which case Company shall, upon request, furnish field markings to the City showing the location of all of its Facilities in the area involved in such proposed excavation or work.

C. The City reserves all rights to.

1. Construct, install, maintain and operate any public improvement, work or Facility, to do any work that the City may find desirable on, over or under any Rights-of-Way, and to construct, install, maintain and operate any public improvement, work or Facility;

2. Vacate, alter or close any Rights-of-Way. All such work shall be done in such manner as not to obstruct, injure or prevent free use and operation of Company's Facilities; and

3. Require the removal or relocation of Company's Facilities in the Rights-of-Way as may reasonably be required after notice to Company, including but not limited to City projects for the installation of landscaping, or of water, sanitary sewer, storm drainage, traffic signal or street light Facilities, or of any road construction or reconstruction.

D. Company shall remove and relocate such Facilities within sixty days following written notice to do so from the City. Prior to any such relocation, the City agrees to provide for a temporary suitable location for such relocated Facilities sufficient to maintain service

E. Subject to Subsection (F), all costs directly attributable to removal or relocation of Company Facilities shall be paid by Company

F. The City may require Company to relocate its Facilities to accommodate another Rights-of-Way user, if Company's and the other user's Facilities can both be located in the Rights-of-Way without interfering with Company's operations, subject to the following conditions:

1. The other user shall pay Company the costs of any relocation occasioned by the accommodation of such user.

2. Company shall remove and relocate its Facilities upon receipt of payment of Company's estimated costs from the other user.

3. If Company's estimated costs do not cover all of Company's final costs of the removal or relocation, Company shall bill the other user for the balance of the costs following completion of the above-described relocation work benefiting the other user, and the other user shall pay Company any balance due within thirty days of the billing statement.

4. If Company's estimated costs exceed Company's final costs of the removal or relocation, Company shall refund any overpayment to the other user within thirty days after completion of the work benefiting the other user.

G. When the City proposes to improve a Rights-of-Way, including but not limited to work related to streets, sidewalks, landscaping, traffic signalization, water lines, storm drainage or sanitary sewers, and such improvements include excavation and the placement of underground utilities vaults and conduit sufficient for Company's Facilities by and at the expense of someone other than Company, then upon notification by the City and upon such reasonable scheduling as may be required by the City, Company shall replace its overhead Facilities as are then within the affected Rights-of-Way with underground Facilities within such area. Company shall pay all costs of such underground placement. The conversion from overhead to underground shall be conditioned upon the City requiring the undergrounding in the area in which both the existing

and new Facilities are and will be located and on the City requiring all existing overhead communication and utility Facilities in such area be removed.

H. Nothing in this Section shall require Company to place its Facilities in ducts or conduits owned or leased by the City.

SECTION 14: NO VESTED LOCATION RIGHTS; FACILITIES IN VACATED RIGHTS-OF-WAY

Company shall not acquire any vested right or interest in any particular Rights-of-Way location for any of its Facilities constructed, operated or maintained in any existing or proposed Rights-of-Way, even though such location was approved by the City; provided that whenever the City vacates Rights-of-Way for the convenience or benefit of any person, the City shall preserve Company's rights for any legally established, existing Facilities of Company in such vacated portion of the Rights-of-Way.

SECTION 15: TEMPORARY AND EMERGENCY MOVEMENT OF FACILITIES

A. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the cables or wires or other apparatus of Company to permit the passage of any building, machinery or other object, Company shall perform such rearrangement upon the receipt of written notice from the person desiring to move said building, machinery or object. The written notice shall detail the route of movement of the building, machinery or object. The costs incurred by Company in making such rearrangements of its aerial Facilities will be borne, excepting the City, by the person seeking such rearrangement, unless the aerial Facilities are placed or maintained in violation of the applicable rules of any local, state or federal regulatory agency and thereby interferes with the movement of said building, machinery or object.

B Whenever, in the case of an emergency, it becomes necessary to remove any of Company's Facilities, the City shall not be liable to Company for any charge, loss, damage, restoration cost or repair resulting from the emergency removal

SECTION 16: MAPS OF FACILITIES

Company shall maintain on file maps and operational data pertaining to its operations in the Rights-of-Way, which the City may inspect at any time during normal business hours upon reasonable notice to Company. Upon request of the City, Company shall furnish to the Public Works Director, as soon as practical and without charge, current maps either in a hard-copy printed form or in the City's geographical information system format or compatible data base, showing the location and dimension of any existing and proposed Facilities, but not other proprietary information, used in operating Company's Facilities in the Rights-of-Way.

SECTION 17: NOTIFICATION TO RESIDENTS OF CONSTRUCTION PROJECTS

Except in the case of emergency work performed pursuant to Section 10 above, when Company is the initiator of a project in the Rights-of-Way along which residential yards are located that will result in the disruption of such yards or in the installation of new exposed surface facilities, Company shall give written notification to residents who are located adjacent to the proposed project at least two days prior to the date on which Company proposes to commence the proposed project. Such notice shall be by personal delivery, by posted notice on the street where the proposed project is scheduled to be built (which notice is to be large enough to be clearly read by passing motorists), by door hanger or by mail, with a description of the proposed project, Company's name, and telephone number at which Company can be reached twenty-four hours per day.

SECTION 18: SECURITY FOR PERFORMANCE

A As security for performance of its obligations under this Agreement and the Code, Company shall at all times provide security in the form of a letter of credit, performance bond or cash deposit, delivered to the Director of Department of Finance and Business Services, in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), to remain in force during the term of this Agreement, any or all of which may be claimed by the City as payment for fees and liquidated damages, and to recover losses resulting to the City from Company's failure to perform.

B Any bond provided pursuant to Subsection (A) shall:

1. In addition to all other costs, provide for payment of Reasonable Attorney's Fees;

2. Be issued by a surety company authorized to do business in the state of Nevada and listed in Department Circular 570 of the U.S. Department of the Treasury Fiscal Service (Current Revision),

3. Require the attorney-of-fact who executes the bond on behalf of the surety to affix thereto a certified and current copy of his power of attorney;

4. Guarantee the performance of all of Company's obligations under this Agreement and the Code

C The following procedures shall apply to drawing on the security required herein:

1. If Company fails to make timely payment to the City of any amount due under this Agreement or the Code, or fails to compensate the City within thirty days of written notification that such compensation is due, for any damages, costs or expenses the City suffers or incurs by reason of any act or omission of Company in connection with this Agreement or its enforcement, or fails, after thirty days' written notice, to comply with any provision of this

Agreement or the Code that the City determines can be remedied by drawing on the security, the City may withdraw the amount thereof, with interest and any damages assessed in accordance with the provisions herein, from the security.

2. Within three days of a withdrawal from the security, the City shall mail, by certified mail, return receipt requested, written notification of the amount, date and purpose of such withdrawal to Company.

3. If at the time of a withdrawal from the security by the City, the amounts available are insufficient to provide the total payment towards which the withdrawal is directed, the balance of such payment shall continue as the obligation of Company to the City until it is paid.

4. No later than thirty days after the mailing of notification to Company of a withdrawal from the security, Company shall restore the security to the total amount specified in Subsection (A).

D. Failure to maintain or restore the security shall constitute a material violation of this Agreement.

E. Recovery by the City of any amounts under the security required by this Section does not limit Company's duty to provide insurance or to indemnify the City as otherwise required by this Agreement.

SECTION 19: INSURANCE REQUIREMENTS

A. Company shall at all times during the term of this Agreement maintain in full force and effect, at its own cost, a general comprehensive liability insurance policy for the protection of the City, which shall:

1. Be issued by an insurance company approved by the City and in a form reasonably satisfactory to the City Attorney;

2. Name the City and its elected and appointed officers, boards, commissions, agents and employees as additional insureds,

3. Insure against liability for loss or damage for personal injury, death and property damage occasioned by Company's operations under this Agreement, with minimum liability limits of ONE MILLION DOLLARS (\$1,000,000.00) for personal injury or death of any one person and THREE MILLION DOLLARS (\$3,000,000.00) for personal injury or death of two or more persons in any one occurrence and FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) for damage to property resulting from any one occurrence; and

4. Contain a provision that the insurance company issuing the policy will use reasonable efforts to deliver a written notice of cancellation of or reduction in coverage to the City at least thirty days in advance of the effective date thereof.

B. Recovery of any amount by the City from the insurance required by this Section does not limit Company's obligation to provide security or to indemnify the City as otherwise required by this Agreement.

SECTION 20: INDEMNIFICATION

A. Company shall defend, indemnify and hold the City harmless from and against all claims by third persons for damages to persons or property in any way related, directly or indirectly, to the construction, maintenance and operation of its Facilities or its use of the Rights-of-Way, or to its performance under this Agreement, when or to the extent injury or damage is caused or alleged to have been caused, wholly or in part, by any act, omission, negligence or misconduct of Company or any of its contractors, subcontractors, officers, agents or employees, or by any person for whose act, omission, negligence or misconduct Company is by law responsible. This Section is intended to require Company to indemnify the City to the maximum

extent allowed by law for claims related to Company's use of the Rights-of-Way and is not intended to create liability for the benefit of any party other than the City.

B. If any claim is made against the City that is covered by Subsection (A), and if a Court of competent jurisdiction shall adjudge by final decree that the City is liable therefor, Company shall indemnify and hold the City harmless of and from any such liability, including any court costs, expenses and Reasonable Attorney's Fees incurred by the City in defense thereof and incurred at any stage of the proceedings.

C. Upon commencement of any suit, proceeding at law or in equity against the City relating to any matter covered by Subsection (A), the City shall give Company prompt notice of such suit or proceeding; whereupon Company shall provide a defense to any such suit, including any appellate proceedings brought in connection therewith, and pay any settlement, costs and judgments that may be rendered against the City by reason of such suit.

D. If Company fails to comply with its obligations under Subsection (C), after reasonable notice to it by the City, the City shall have the right to defend any claims against it and, in addition to being reimbursed for any settlement or judgment that may be rendered against the City, Company shall reimburse the City's Reasonable Attorney's Fees and all expenses incurred by the City by reason of undertaking the defense of such suit, regardless of whether such suit is successfully defended or settled, or fully adjudicated. If the City is required to defend any such suit because of Company's failure to do so, the City shall have the right and authority to enter into any settlement as the City may deem in its best interest, without the prior approval of Company.

SECTION 21: TRANSFER OF FRANCHISE

A. No transfer of this Agreement or the Franchise granted herein (including but not limited to transfer by forced or voluntary sale, receivership or similar means) shall occur unless

prior application is made by Company to the City. No application for a transfer shall be granted unless all of the following conditions are met:

1. Company and the transferee agree in writing to the transfer, in a form acceptable to the City

2. The transferee agrees that it will accept all terms of this Agreement and will assume all of the obligations and liabilities for all acts and omissions, known and unknown, of Company under this Agreement for all purposes, whether such obligations and liabilities arose before or arise after the date of the transfer.

3. The transferee provides proof that it has a CPCN authorizing it to provide Telecommunications Service in the City.

4. The transferee provides security for performance and insurance coverage in compliance with Sections 18 and 19, respectively, no later than the date of the transfer

B. Approval by the City of a transfer does not constitute a waiver or release of any of the rights of the City under this Agreement against Company, whether arising before or after the date of the transfer.

SECTION 22: DEFAULT; REMEDIES AND PENALTIES NOT EXCLUSIVE

A. All remedies and penalties under this Agreement are cumulative and not exclusive, and the recovery or enforcement by one available remedy or imposition of any penalty is not a bar to recovery or enforcement by any other such remedy or imposition of any other penalty. The City reserves the right to enforce the penal provisions of any ordinance or resolution and to avail itself of any and all remedies available at law or in equity. Failure to enforce shall not be construed as a waiver of a breach of any term, condition or obligation imposed upon Company by this Agreement. A specific waiver of a particular breach of any term, condition or obligation imposed upon Company by this Agreement shall not be a waiver of

any other or future breach of the same or of any other term, condition or obligation, or a waiver of the term, condition or obligation itself For purposes of this Section, "Director" means the Director of the Department of Finance and Business Services, or his or her designee

B. Company agrees that any of the following acts or failure to act by the Company shall constitute an "Event of Default":

1. Failure to obtain any applicable permits or pay any applicable permit fees pursuant to this Agreement;

2. Failure to comply with the terms of Section 21 concerning the transfer of this Agreement,

3. Failure to supply the necessary security for performance or insurance as specified in Sections 18 and 19;

4. Failure to make any payment required by Sections 6(A) or 7 of this Agreement within the period provided for such payment,

5. Failure to comply with any rules, regulations, orders or directives of the City as set forth in this Agreement within applicable periods, or

6. Substantial or repeated failure to comply with Section 12 concerning installations, excavations and restorations.

C. Upon the occurrence of an Event of Default, the City may, in accordance with the procedures provided for in this Agreement:

1. Require Company to take such actions as are reasonably required to remedy such Event of Default;

2. Seek money damages from Company as compensation for such Event of Default;

3 Accelerate the expiration of the term of this Agreement by decreasing the term of this Agreement provided in Section 4, the extent of such acceleration to be determined by the City Council, including any period of time up to the remaining term of this Agreement, or

4. As a last measure only, revoke the Franchise granted herein by termination of this Agreement.

D. The City shall exercise the rights set forth in this Section in accordance with the following procedures:

1. The Director shall notify Company, in writing, of an alleged Event of Default. This written notice shall set forth with reasonable specificity the facts the City believes are the basis for declaring that an Event of Default has occurred. Company shall, within sixty days of the date of the notice, or such additional time as the Director may specify in the notice: (a) cure the alleged Event of Default, (b) present in writing, for review by the Director, a reasonable time frame and method to cure the Event of Default; or (c) present in writing with reasonable specificity, for review by the Director, facts and arguments as to why Company disagrees that an Event of Default has occurred

2. If Company presents a written response that challenges whether an Event of Default has occurred, the Director shall within fourteen days review the submitted materials and determine again whether an Event of Default has occurred. If the Director reaffirms that an Event of Default has occurred, Company shall be notified in writing of this decision and shall, within thirty days, cure the alleged Event of Default.

3. If Company fails to cure the Event of Default so declared pursuant to this Section within the time permitted by the Director, the Director shall prepare a written report to the City Council and recommend action to be taken. The City Council may, after giving

Company an opportunity to present evidence that an Event of Default did not occur, order an appropriate remedy as set forth in this Section.

E. In addition to the rights under this Section, the City may, upon termination of the Franchise, direct Company to remove, at Company's sole cost and expense, any of its Facilities from all Rights-of-Way, subject to the following:

1. If the City determines that removal of any buried cable or conduit is not necessary, Company shall abandon its Facilities in place and transfer ownership of the installed Facilities to the City

2. In removing any part of its Facilities, Company shall refill and compact any excavation that shall be made by it and shall leave all Rights-of-Way in as good a condition as that prevailing prior to Company's removal of the Facilities.

3 The City shall have the right to inspect and approve the condition of the Rights-of-Way after removal has occurred

4. The removal shall commence within thirty days of an order to remove being issued by the Director at the direction of the City Council.

5. Company shall be responsible for all necessary removals of its Facilities and maintenance of the Rights-of-Way area in the same manner and degree as if the Facilities were in active use, and Company shall retain all liability associated with such removals

6. Nothing herein shall cause the City to incur any costs related to the removal of the Company's Facilities or the transfer of ownership of said Facilities to the City.

SECTION 23: LIQUIDATED DAMAGES

A. In addition to the remedies specified in Section 22 above, Company may be subject to the assessment of liquidated damages by the City Manager for any violations of this Agreement in accordance with the provisions of this Section. For purposes of this Section, "City Manager" shall include any of his or her designees.

B. Except for causes beyond the reasonable control of Company, if Company fails to comply with any of the obligations under this Agreement, the City Manager may deliver to Company a reasonably detailed written notice describing the violation on the part of Company. Company shall cure any such violation no later than thirty days after receipt of the notice of violation; provided that if the nature of violation is such that it cannot be fully cured within thirty days, the City Manager may extend the period of time for Company to cure the violation for such additional time as is reasonably necessary to complete the cure if, in the City Manager's reasonable judgment, Company promptly begins its efforts to cure the violation and diligently pursues its efforts to effect a cure.

C. If a violation has not been cured within the time allowed by Subsection (B) above, Company shall be liable for liquidated damages as follows:

1. Failure to comply with the City's requirements concerning actual usage of the Rights-of-Way, including but not limited to any violations resulting in construction-delay claims against the City: \$500.00 per day for each day such failure continues;

2. Failure to comply with any other provisions of this Agreement, including but not limited to promptly providing data, documents, reports or information to the City, or to provide insurance or security for the performance of Company's obligations hereunder: \$100.00 per day for each day such failure continues.

D. The amounts specified in Subsection (C) above constitute compensation for injuries to the City and its residents, which would be difficult to ascertain and prove with certainty, and are intended to be liquidated damages, not penalties or forfeitures.

SECTION 24: DRAWING UPON SECURITY UPON REVOCATION OF FRANCHISE

In the event that a revocation of the Franchise is declared pursuant to Section 22 above, it shall be deemed a failure to perform on the part of Company, and the City may proceed against and draw upon, as required, the security provided for in Section 18 above for amounts due under this Agreement.

SECTION 25: ADDITIONAL CITY RIGHTS

Pursuant to the City Charter and applicable State statute, the right and privilege of the City to construct, purchase or condemn a public utility or Telecommunications provider, or Facilities located within the City is expressly recognized herein.

SECTION 26: SEVERABILITY CLAUSE

If any provision, condition, covenant or portion of this Agreement is for any reason held invalid, unenforceable or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity or enforceability of the remaining portions of this Agreement. With respect to any portion of this Agreement held to be invalid, unenforceable or unconstitutional, the parties shall promptly use their best reasonable efforts to negotiate an amendment to this Agreement that is valid and enforceable and that is consistent with the parties' original intent. The City Council hereby declares that it would have approved this Agreement and each portion thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 27: NOTICES

Any notice or other communication required or permitted to be given under this Agreement (the "Notice") shall be in writing and shall be personally delivered, or delivered by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid. The Notice shall be deemed received on the earlier of the date of actual receipt or three days after mailing. The Notice shall be directed to the parties at their respective addresses shown below, or such other address as either party may, from time to time, specify in writing to the other party in the manner described above.

TO THE CITY: Director – Finance and Business Service
City of Las Vegas
400 Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101

with a copy to: City Attorney's Office
City of Las Vegas
400 Stewart Avenue, 9th Floor
Las Vegas, Nevada 89101

TO THE COMPANY: AGL Networks, LLC
Attention: Manager - Commercial Transactions
10 Peachtree Place, N.W.
Atlanta, Georgia 30309
Telephone: 404-584-4315
Facsimile: 404-584-3375

with a copy to: Norman B. Gerry, Esq.
Friend, Hudak & Harris, LLP
Three Ravinia Drive, Suite 1450
Atlanta, Georgia 30346
Telephone: 770-399-9500
Facsimile: 770-395-0000

SECTION 28: PUBLIC PURPOSE

All of the regulations provided in this Agreement are hereby declared to be for a public purpose and the health, safety and welfare of the general public. Any member of the governing body or City official or employee charged with the enforcement of this Agreement, acting for the

City in the discharge of his/her duties, shall not thereby render himself personally liable, and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties. Neither the City nor Company by accepting this Agreement waives its right to seek all appropriate legal and equitable remedies as allowed by law upon violation of the terms of this Agreement, including seeking injunctive relief in a court of competent jurisdiction. Such right to injunctive relief is expressly reserved and all terms and provisions hereof shall be enforceable through injunctive relief. Neither party shall be liable for any consequential, indirect, special, incidental or punitive damages, including for lost profits.

SECTION 29: APPLICABLE LAW

This Agreement is governed by and construed and enforced in accordance with the laws of the State of Nevada, and the Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996 or subsequent amendments.

SECTION 30: PUBLIC UTILITIES COMMISSION AND CHARTER REQUIREMENTS

This Agreement is subject to and contingent upon Company complying with all applicable rules and regulations of the Public Utilities Commission of Nevada and the City adopting a Resolution, conducting a public hearing and enacting an Ordinance granting this Franchise to Company in accordance with Section 7.050 of the City Charter.

SECTION 31: DISCLOSURE OF OWNERSHIP AND PRINCIPALS

Pursuant to Resolution R-79-99 adopted by the City Council effective October 1, 1999, and amendments thereto by the City Council on November 17, 1999, Company warrants that it has disclosed, on the form attached hereto as Exhibit A, all principals, including partners, of Company, as well as all persons and entities holding more than a 1% interest in Company or any principal of Company. If Company, principals or partners described above are required to

provide disclosure under federal law (such as disclosure required by the Securities and Exchanges Commission or by the Employee Retirement Income Security Act), and attaches current copies of such federal disclosures to Exhibit A, the requirements of this Section shall be satisfied. Throughout the term hereof, Company shall within ten days notify the City in writing of any material change in the above disclosure. Copies of new federal disclosure filings shall also be sent to the City within ten days of any such filing.

EXECUTED to be effective on the date specified above.

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC, City Clerk

APPROVED AS TO FORM.

James G. Bellis 7-8-08
Date

AGL NETWORKS, LLC

By: James Gillis
JAMES GILLIS, President and Manager

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity" means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas

"Principal" means, for each type of business organization, the following (a) sole proprietorship – the owner of the business, (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting Entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting Entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1	<u>Contracting Entity</u>
Name	AGL Networks, LLC
Address	10 Peachtree Place, N W Atlanta, Georgia 30309
Telephone	404-584-4315
EIN or DUNS	58-2567531

Block 2	<u>Description</u>
Subject Matter of Contract/Agreement:	Franchise Agreement
RFP #:	

Block 3	Type of Business
<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership
<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Corporation

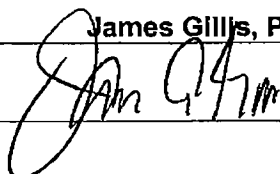
**CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS
(CONTINUED)**

Block 4		Disclosure of Ownership and Principals	
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.			
	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	AGL RESOURCES, INC. 100% ownership of Contracting Entity	10 Peachtree Place, N.W. Atlanta, Georgia 30309	404-584-4917
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: _____

Block 5	Disclosure of Ownership and Principals - Alternate
If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.	
Name of Attached Document: _____	
Date of Attached Document: _____	Number of Pages: _____

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

James Gillis, President and Manager
 Name

 Date 6/18/08

Subscribed and sworn to before me this 18th day of June, 2008.

Carol Jean Hawley
Notary Public



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

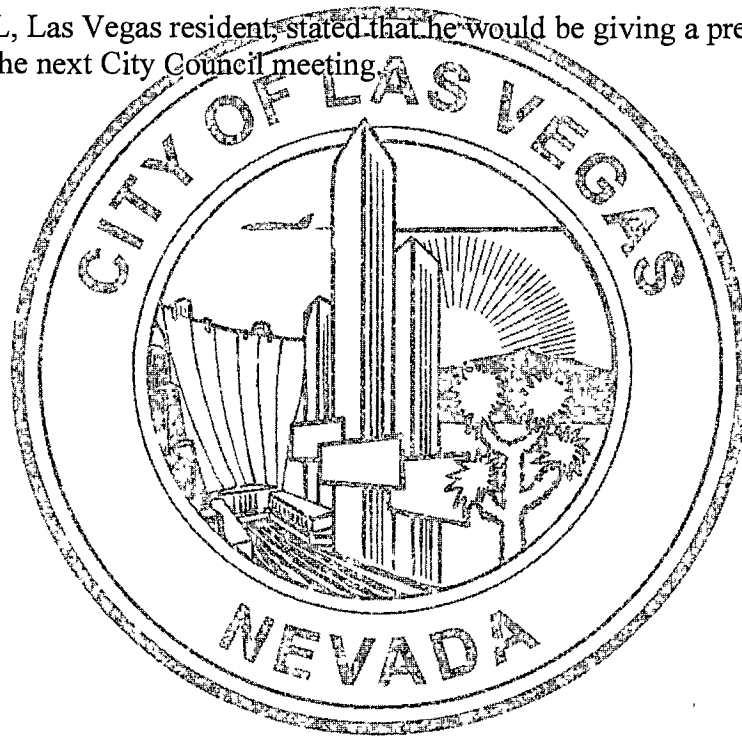
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited

Minutes:

TEDDY RUSSELL, Las Vegas resident, stated that he would be giving a presentation on several different topics at the next City Council meeting



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

Minutes:
The meeting adjourned at 4:50 p.m.

Respectfully submitted,

Deeny Araujo

Deeny Araujo, Deputy City Clerk
August 12, 2008

