

Proposed Privileged Licensing – Metro Suitability Amendment

TXT-43915 - TEXT AMENDMENT - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to update the city's licensing regulations retaining to privileged licenses generally and several licensing categories in particular, and to provide for other related matters.

Contents:

- Summary of the proposed changes
- Draft of the proposed ordinance

Please note:

[abc] bracketed text reflects a deletion
abc underlined text reflects an addition

Where language indicates that a new Code section is to be added, all provisions in that section are new, although in some cases it is just a replacement for language repealed in a previous section of the ordinance amendment.

Summary: TXT-44754 (LVMC 6.06 – Privileged Businesses – Metro Suitability Update)

Code Requirement	Existing Regulation	Proposed Regulation
6.06.010 Applicability	Subsection (B) identifies the approval authority for various privileged licenses	<p>Modifies the categories for which the Director is the approval authority as follows:</p> <ul style="list-style-type: none"> • Adds Chapters 6.06A (Adult Bookstores), 6.06B (Adult Nightclub Establishments), 6.12 (Astrology, Hypnotism and the Psychic Arts), 6.14 (Auctions and Auctioneers), 6.18 (Burglar Alarm Services), 6.35 (Erotic Dance Establishment), 6.51 (Locksmiths and Safe Mechanics), 6.53 (Martial Arts Instruction Businesses), 6.74 (Secondhand Dealers) and 6.84 (Wedding Chapels) • Clarifies that the Director is the approval authority for both the indicated licenses and the suitability determinations for the principles
6.06.030 License Application - Content	Requires an application to provide the applicant’s prior business activities, financial history and business associations covering the preceding 10-year period, the name, address and job description of each person who is to be actively engaged in the administration or supervision of the business	Removes the provisions related to the applicant’s 10 years worth of business activities, financial history and business associations
6.06.060 Temporary License – Purpose	Requires that each principle must be approved for suitability in order to be associated with a business subject to Chapter 6.06	Adds an allowance for the Director to determine suitability for licenses indicated in 06.06.010 as approvable by the Director and clarifies that all subject licenses shall have suitability determined by the City Council
6.06.080 Suitability Approval – Application Completion – Identification and Release Requirements	Subsection (C) identifies the license categories for which an applicant is subject to fingerprinting checks through the FBI and other background checks	<p>Modifies the categories list as follows:</p> <ul style="list-style-type: none"> • Removes “Martial Arts Instruction,” “Mobile Food Vendor” and “Wedding Chapel”
6.06.120 Council Action on Applications – Grounds for Denial	Indicates that the City Council may approve, deny or take another action regarding an application as it see appropriate	Changes City Council to Approval Authority to correspond with other proposed changes to the Chapter
6.06.125 Application for Approval of Suitability	Provides for the referral of future applications for suitability to be forwarded to Metro for investigation	Modifies the language to indicated that only for those license categories requiring council approval that the provisions of the Section apply
6.12.020 Required	Section is specific to astrology type of business	Changes astrology to psychic arts and adds a provision for exhibition of art as well as exercising the art

6.12.030	Psychic Arts Defined	n/a	Adds a new Subsection to define “Psychic Arts” which includes the activities commonly associated with astrology, hypnotism, palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy.
6.12.040	Age of Applicant	Sets a minimum age for a person applying for an astrology license to 21 years of age	Reduces the minimum age from 21 y/o to 18 y/o for the license and indicates it is a psychic arts license
6.12.050	Publications Exempted	Exempts the publication or placement of astrology information in books, newspapers, magazines or other periodicals from the provisions of the Article	Changes “Article” to “Chapter”
6.12.060	Fee	Indicates that the fee of \$100 is assessed twice a year for a total \$200 for the year	<ul style="list-style-type: none"> Existing Section deleted and fees now addressed in Section 100 New Section added related to the posting of rates and the various associated requirements
6.12.070	Required	Section is specific to hypnotist type of business	<ul style="list-style-type: none"> Existing Section deleted New Section added related to not allowing assistance from a person or mechanical devise in conducting the interview, session, audience or reading
6.12.080	Exemptions	n/a	<ul style="list-style-type: none"> Existing Section deleted New Section added to address various exemptions previously included in the various Articles of this Chapter
6.12.090	Physicians and Psychologists	Provides an exemption from the hypnotist related article provisions for a physician or psychologist certified under NRS 641	<ul style="list-style-type: none"> Existing Section deleted (provision is now a part of the new Section 80) New Section added related to an exemption to the requirements of the Chapter for performances for entertainment purposes within licensed theatres, resort casinos or at locations with an approved special events permit
6.12.100	Fee	Indicates that the fee of \$100 is assessed twice a year for a license under Article III – Hypnotist’s License	<ul style="list-style-type: none"> Existing Section deleted (added into prior article in the consolidation to the “Psychic Arts” term) New Section indicates that the license fee is assessed once a year for a total annual payment of \$200
6.12.110	Required	Section is specific to hypnotist type of business	Deleted
6.12.140	Fee	Indicates that the fee of \$100 is assessed twice a year for a license under Article IV –Psychic Art and Science License	Deleted

6.14.010 Definitions	Subsection (B) defines an “Auctioneer”	<ul style="list-style-type: none"> • The term “Auctioneer” is replaced with “Auction Cryer” and the definition is modified to clarify that the auction cryer is the volunteer or employee who cries for bids and is not considered as conducting an auction. • A new term and definition are added to define an “Auction House” • Clarifies under the definition of a “Permit” that an auction house must secure a permit from the Department prior to the promotion, advertising or conducting of any auction
6.14.030 License and Code Compliance Required	Expresses that no person can promote, advertise or conduct an auction without first obtaining and maintaining a valid license and complying with the provisions of the Code	Changes person to auction house to correspond to the change made in the Definitions section of this Chapter
6.14.040 Manager and Supervisor – Required – Qualifications	Paragraph (3) of Subsection (B) requires a manager or supervisor of a licensed auction house to be approved for suitability by the City Council	Changes the approval of suitability from the City Council to the Director
6.14.050 Bond	Sets a surety bond requirement at \$5,000	Changes the surety bond amount to \$10,000
6.14.060 License Fee	Indicates that the auction house license fee of \$250 is assessed twice a year for a total \$500 for the year	Reduces the number of times the fee is assessed to once a year, total annual payment remains the same at \$500
6.14.070 Permit – Required – Application 6.14.090 Permit – Action on Application – Denial, Revocation, Suspension 6.14.140 Conduct of Auctions – General Requirements 6.14.150 Conduct of Auctions – Jewelry Sales	Describes various requirements for auctioneers and auction license holders	Updates the terms used in these Sections to reflect changes made in the Definitions section of this Chapter
6.18.030 License - Fee	Indicates that the burglar alarm service license fee of \$75 is assessed twice a year for a total \$150 for the year	Reduces the number of times the fee is assessed to once a year and increase the total annual payment to \$300
6.51.007	n/a	Adds a new Section that provides various definitions that relate specifically to the Locksmiths and Safe Mechanics license category
6.51.020 License Fee	Indicates that the locksmith and safe mechanics license fee of \$150 is assessed twice a year for a total \$300 for the year	Reduces the number of times the fee is assessed to once a year, total annual payment remains the same at \$300

6.51.040	n/a	Adds a new Section to address additional requirements, including: <ul style="list-style-type: none"> Clearly marked business vehicles including the company name and business license number Clearly marked uniforms which includes the name of the company must be worn during work hours Signage at the commercially zoned location of the business must include the company name and business license number within a foot of the door
6.51.050	n/a	Adds a new Section prohibiting the advertising of the business by any name other than the name on the license
6.52.020 Definitions	Defines various terms as they relate to the Massage Establishment and Independent Massage Therapists license category	<ul style="list-style-type: none"> Adds definitions for “Ancillary Medical Massage Therapy,” “Licensed Medical Professional” and “Medical Massage Therapy” Modifies the existing definition of “Massage Establishment” to exclude from the term those locations where the activity meets the definitions of Medical Massage or Ancillary Medical Massage Therapy
6.52.040 License Required	Details that no one is to practice or allow to be practices massage therapy without the appropriate license	Adds an exemption from the licensing requirement for licensed medical professionals providing medical related massage therapy
6.52.050 License Fee	<ul style="list-style-type: none"> Indicates that the fee of \$200 is assessed twice a year for a total \$400 for the year for massage establishments Indicates that the fee of \$100 is assessed twice a year for a total \$200 for the year for independent massage therapists and establishment practitioners 	<ul style="list-style-type: none"> Reduces the number of times the fee is assessed to once a year, total annual payment remains the same at \$400 for massage establishments Reduces the number of times the fee is assessed to once a year, total annual payment remains the same at \$200 for independent massage therapists and establishment practitioners
6.53.050 Fee	Indicates that the fee of \$75 is assessed twice a year for a total \$150 for the year	Reduces the number of times the fee is assessed to once a year, total annual payment remains the same at \$150
6.84.020 Fee	Indicates that the fee for a “Wedding Chapel” license of \$200 is assessed twice a year for a total \$400 for the year	Reduces the number of times the fee is assessed to once a year, total annual payment remains the same at \$400

AN ORDINANCE TO UPDATE THE CITY'S LICENSING REGULATIONS PERTAINING TO PRIVILEGED LICENSES GENERALLY AND SEVERAL LICENSING CATEGORIES IN PARTICULAR, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the City's licensing regulations pertaining to privileged licenses generally and several licensing categories in particular.

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

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

6.06.010: (A) The provisions of this Chapter apply to those businesses which are found by the City Council to require a high degree of supervision and to more seriously affect the economic, social and moral well-being of the City and its residents. These businesses have been commonly referred to as "privileged" and require [City Council approval for a license, except for the license categories described in Paragraph (1) of Subsection (B).] specific consideration for approval of a license for the business by an approving authority, and specific consideration for approval of the suitability of the principals by an approving authority.

(B) For purposes of this Chapter, the term ["license approval"] "approving authority" means:

(1) The Director, for licenses and suitability determinations for principals issued under the provisions of Chapters 6.06A, 6.06B, 6.12, 6.14, 6.18, 6.35, 6.47, 6.51, 6.53, 6.55, [and] 6.69, 6.74 and 6.84; and

(2) The City Council, for all other categories.

SECTION 2: Title 6, Chapter 6, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.06.030: (A) The application for a license must provide:

[(1) The applicant's prior business activities, financial history and business

1 associations covering at least the ten-year period immediately preceding the year of filing the
2 application;

3 (2) The] the name, address and job description of each person who is to be
4 actively engaged in the administration or supervision of the business to be licensed.

5 (B) The applicant shall agree in writing that, if a license is granted, the applicant
6 will accept the license subject to all of the terms and provisions of this Title and that the license is a
7 privilege conferred upon the person who is granted the license.

8 (C) The applicant shall authorize the City in writing to obtain information from
9 criminal justice agencies, financial institutions, Federal, State and local governments and agencies,
10 and other persons and entities and shall consent in writing to the release of such information to the
11 City for use in connection with the application for the license and other City business regulations. The
12 applicant shall also sign a release of claims and hold-harmless agreement to the City for its use of the
13 information provided by the applicant or discovered during any investigation thereof.

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

16 **6.06.060:** Each principal must be approved for suitability in order to be associated with a business
17 subject to this Chapter. The Director shall consider the suitability of each principal for licenses issued
18 under the provisions of Chapter 6.06A, 6.06B, 6.12, 6.14, 6.18, 6.35, 6.47, 6.51, 6.53, 6.69, 6.74 and
19 6.84, and the City Council shall consider the suitability of each principal for all other categories of
20 privileged license.

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

23 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

24 (B) The applicant shall submit to fingerprinting and photographing, shall
25 authorize the City in writing to obtain information from the past and present employers, criminal
26 justice agencies, financial institutions, Federal, State and local governments and agencies, and other
27 persons and entities, and shall consent in writing to the release of such information to the City for use
28 in connection with the application for approval for suitability and other City business regulations. The

1 applicant shall also sign a release of claims and a hold harmless agreement to the City for its use of
2 the information provided by the applicant or discovered during any investigation thereof.

3 (C) Each applicant for a license within the following categories shall be subject to
4 the provisions of Subsection (D) of this Section:

5 (1) Adult nightclub establishment;

6 (2) Alcoholic beverage;

7 (3) Burglar alarm services;

8 (4) Erotic dance establishment;

9 (5) Gaming;

10 (6) Ice cream truck;

11 (7) Locksmith and safe mechanic;

12 (8) [Martial arts instruction;

13 (9)] Massage establishment;

14 [(10) Mobile food vendor;]

15 [(11)] (9) Pawnbroker;

16 [(12)] (10) Psychic arts and science;

17 [(13)] (11) Reflexology;

18 [(14)] (12) Secondhand dealer; and

19 [(15)] (13) Teenage dancehall or teenage nightclub.]; and

20 (16) Wedding chapel.]

21 (D) In the case of the license categories listed in Subsection (C) of this Section,
22 applicants are required to submit to fingerprinting for purposes of a fingerprint check through the
23 Federal Bureau of Investigation (FBI). In each such case:

24 (1) A complete set of fingerprints will be taken and will be forwarded to
25 the Central Repository for Nevada Records of Criminal History.

26 (2) The Central Repository for Nevada Records of Criminal History is
27 authorized to submit the fingerprints to the FBI for its report and to exchange fingerprint data with the
28 FBI.

1 (3) The purpose for the submission of fingerprints is to allow for a State and
2 Federal criminal records investigation regarding the applicant to determine suitability for licensing
3 relative to the specified type of business.

4 (E) The provisions of Subsections (C) and (D) of this Section are adopted under
5 the authority of, and consistent with, NRS 239B.010(1)(a) and Public Law 92-544, and should be read
6 and interpreted in connection therewith.

7 SECTION 5: Title 6, Chapter 6, Section 120, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.06.120:** (A) The [City Council] approving authority may approve, deny or take such other
10 action with respect to such application as it considers appropriate. The burden of showing
11 qualifications, acceptability or fitness for a license or approval for suitability is upon the applicant.

12 (B) Grounds for denial of a license include, but are not limited to, the grounds for
13 disciplinary action against a licensee as set forth in Section 6.02.330 et seq. and as provided by the
14 provisions of any specifically applicable chapter of Title 6.

15 (C) Grounds for denial of an approval of suitability include, but are not limited to,
16 the grounds for disciplinary actions against a principal approved for suitability as set forth in Sections
17 6.06.250 and 6.06.260

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

20 **6.06.125:** (A) [Once] For those license categories that require City Council consideration of
21 suitability, once initial approval for suitability regarding principals of a particular licensee has been
22 granted by the City Council, any subsequent applications for approval for suitability regarding that
23 licensee may be referred by the Director to Metro for investigation.

24 (B) Upon completion of Metro's investigation, if any, the Director may take such
25 action as deemed appropriate, including approval, conditional approval or denial of the application
26 for approval for suitability.

27 (C) An applicant may appeal the decision of the Director in accordance with the
28 provisions of LVMC 6.02.110.

1 SECTION 7: Title 6, Chapter 12, Section 20, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.12.020:** No person shall carry on, practice, teach, or profess to practice the business of
4 [astrology] psychic arts and demand or receive a fee for the exercise [of said business,] or exhibition
5 of his art therein, directly or indirectly or incidental to the conduct of any other business, either as a
6 gift, donation or otherwise, or give an exhibition thereof at any place where an admission fee is
7 charged, without first obtaining and thereafter maintaining a valid unexpired license pursuant to this
8 Code.

9 SECTION 8: Title 6, Chapter 12, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 30,
11 to read as follows:

12 **6.12.030:** For purposes of this Chapter, the term psychic arts includes the following: astrology,
13 hypnotism, psychic science, palmistry, phrenology, life reading, fortune telling, cartomancy,
14 clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination or necromancy.

15 SECTION 9: Title 6, Chapter 12, Section 40, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.12.040:** The applicant for [an astrologer's] a psychic arts license must be [twenty-one] eighteen
18 years of age or older.

19 SECTION 10: Title 6, Chapter 12, Section 50, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.12.050:** The publication or placement of astrology information in a book, newspaper, magazine
22 or other periodical is exempt from this [Article.] Chapter.

23 SECTION 11: Title 6, Chapter 12, Sections 60 through 140, of the Municipal Code of
24 the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

25 SECTION 12: Title 6, Chapter 12, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto new sections, designated as Sections 60,
27 70, 80, 90 and 100, reading respectively as follows:

28 **6.12.060:** (A) [The fees for providing psychic arts, in whatever manner required,] Any fee.

1 gift, donation or otherwise, charged to the patron for providing psychic arts must be posted in a
2 conspicuous place within the place of business to be visible to patrons upon entry to the place of
3 business on a sign of no less than eight inches by ten inches in size with lettering no smaller than three
4 quarters (3/4) of an inch.

5 (B) If the licensee accepts donations, or any other method of indirect remuneration
6 at the discretion of a patron, such signage shall indicate that information to such patron.

7 (C) The licensee shall not charge a patron a different fee than is posted upon such
8 sign.

9 **6.12.070:** No employee or other person shall assist the licensee in any audience or reading, nor
10 shall any mechanical device of any description whatsoever be used by the licensee in the conduct of
11 any interview, audience, or reading.

12 **6.12.080:** This Chapter shall not apply to doctors, dentists or other medical practitioners licensed
13 by the appropriate board under the Nevada Revised Statutes or to persons employed by such doctors,
14 dentists or other medical practitioners acting under their direction and control, who use hypnotism as
15 an aid in treatment or as a supplementary form of treatment in the course of their profession.

16 **6.12.090:** A performance of psychic arts for entertainment purposes at a licensed theater, resort
17 casino, or special event permitted under Chapter 12 is exempt from this Chapter.

18 **6.12.100:** Each person required to be licensed by this Article shall pay in advance an annual fee
19 of two hundred dollars.

20 SECTION 13: Title 6, Chapter 14, Section 10, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.14.010:** As used in this Chapter, unless the context otherwise requires, the following words
23 shall have the meaning ascribed to them as follows:

24 (A) "Auction" means any offering by public outcry where property of any kind
25 belonging to another person is offered or sold to the highest bidder.

26 (B) ["Auctioneer"] "Auction cryer" means any individual who cries out for bids at
27 an auction. [or who holds himself out for employment to conduct an auction.] This term only refers
28 to a person that volunteers for or is employed by an auction house for the purpose of crying out bids

1 for auction. The crying of bids alone shall not be considered “conducting” an auction for the purposes
2 of LVMC 6.14.010(C).

3 (C) “Auction house” means a person that promotes, advertises or conducts an
4 auction of the property of another.

5 [(C)] (D) “Day” means a calendar day or any portion thereof.

6 [(D)] (E) “Inventory” means an itemized list of jewelry offered for sale at an auction.

7 [(E)] (F) “Jewelry” means watches, rings, bracelets, necklaces, pins and other items of
8 adornment which are made in whole or in part of gold, silver, platinum or other precious or
9 semiprecious metals, whether solid, plated or overlaid, and precious and semiprecious stones and
10 imitations thereof, whether with or without setting.

11 [(F)] (G) “Permit” means written authorization from the Department to promote,
12 advertise or conduct an auction on a specific day or days and at a specific location. An auction house
13 must secure a permit from the Department prior to the promotion, advertising or conducting of any
14 auction.

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

17 **6.14.030:** No [person] auction house shall promote, advertise or conduct an auction of the
18 property of another without first obtaining and thereafter maintaining a valid unexpired license and
19 without complying with the provisions in this Code.

20 SECTION 15: Title 6, Chapter 14, Section 40, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.14.040:** (A) Each applicant for a license must be or must identify and employ and each
23 licensee shall be or employ an individual who will be the manager of the business and supervisor of
24 all auctions.

25 (B) The individual designated as manager of the business and supervisor of the
26 licensee's auctions must:

27 (1) Be a graduate of a recognized school of auctioneering;

28 (2) Have at least three years of experience as an [auctioneer;] auction cryer;

1 (3) Be approved for suitability by the [City Council.] Director.

2 SECTION 16: Title 6, Chapter 14, Section 50, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.14.050:** Each applicant for [a] an auction house license must file and each licensee must
5 maintain a surety bond with the Department in the sum of [five] ten thousand dollars with surety
6 acceptable to and approved by the City Attorney. Such bond must be conditioned to be paid to the
7 City or to any person who purchases from the licensee and suffers injury by reason of any violation
8 of the provisions of this Code by the licensee, his agents or employees and that the principal therein
9 named will faithfully conform to each and all conditions or restrictions upon the principal's license
10 or permit.

11 SECTION 17: Title 6, Chapter 14, Section 60, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.14.060:** Each person required to be licensed by this Chapter shall pay in advance [a semiannual]
14 an annual license fee of [two hundred fifty] five hundred dollars.

15 SECTION 18: Title 6, Chapter 14, Section 70, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.14.070:** (A) It is unlawful for any person to promote, advertise or conduct an auction
18 without a permit.

19 (B) An application for a permit may be made only by a person who holds a valid
20 auction house license.

21 (C) An application for a permit shall be made on forms suitable to the Director and
22 filed with the Department not less than ten days prior to the proposed auction.

23 (D) The applicant shall set forth the following information on the application:

24 (1) His name and street address;

25 (2) Whether or not he is the holder of a current auction house license;

26 (3) The street address of the place where the auction will be conducted;

27 (4) The number of days during which the applicant proposes to conduct the
28 auction, specifying the dates thereof;

1 (5) The name and street address of the owner of the property which is
2 proposed to be sold at auction;

3 (6) The name and street address of the [auctioneer] auction cryer who is to
4 conduct the auction and the names and street addresses of any assistants he may use to help cry the
5 auction;

6 (7) The nature and quantity of goods and property to be sold;

7 (8) If any of the property to be sold at auction is jewelry, the applicant shall
8 also file an inventory with the application:

9 (a) Each item of jewelry shall be listed separately on the inventory,
10 except that those items which are to be sold as a set may be listed together as a single item. Any set
11 so listed may not be sold otherwise than together as listed. Items, sets or groups of items listed shall
12 be separately and consecutively numbered, beginning with the number one,

13 (b) Following the name of each item of jewelry, and upon the same
14 line or immediately beneath it, shall be a description of the item, giving the name of the manufacturer,
15 if known, the manufacturer's number, if any, the name, size or weight of any precious or semiprecious
16 stones or imitations thereof, the kind of metal, and the grade of fineness thereof used in such item,
17 together with such other and further information as shall reasonably tend to inform persons examining
18 the inventory of the nature and quality of the items listed and to identify the same; and

19 (9) Such other information as the Director requires which reasonably relates
20 to the appropriateness of the permit.

21 SECTION 19: Title 6, Chapter 14, Section 90, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.14.090:** (A) Upon receipt of an application for a permit and the required fee, the Director
24 shall approve, deny or take such other action with respect to the application as he considers
25 appropriate.

26 (B) The Director may deny, revoke or suspend a permit for good cause, if he finds
27 that, without limitation:

28 (1) The application is incomplete or contains false, misleading or fraudulent

1 statements with respect to any information required;

2 (2) The proposed auction would interfere with the health, safety or general
3 welfare of the public or constitute a breach of peace;

4 (3) The proposed [auctioneer] auction cryer fails to satisfy any
5 qualifications or requirement imposed by this Code, or other local, State or Federal law or regulation
6 pertaining to such activities;

7 (4) Disciplinary action has been brought against the licensee or a person
8 associated with the licensee who is required to be found suitable or to possess a work card;

9 (5) The applicant fails to comply with any conditions of the license or
10 permit.

11 SECTION 20: Title 6, Chapter 14, Section 140, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.14.140:** (A) All auctions shall be conducted as follows:

14 (1) Each day before the commencement of the auction, the [auctioneer]
15 auction cryer shall announce the terms of the sale and the [auctioneer] auction cryer shall announce
16 each bid as it is given;

17 (2) No property shall, during the progress of an auction, be sold at private
18 sale at the place for which a permit has been granted;

19 (3) No licensee, his [auctioneer,] auction cryer, agents, servants, employees,
20 or the owner of the property, or other person acting on his behalf, shall:

21 (a) Make any false or misleading statement concerning the
22 ownership, kind, character, quality, condition, make, size, price, or other fact pertaining to any item
23 sold or offered for sale;

24 (b) Act as a by-bidder or what is commonly known as a “capper”
25 or “booster,” or make or accept any false or misleading bid, or falsely pretend to buy or sell any item,
26 or conspire with any person to make a false or fictitious bid; or

27 (c) Bid or purchase at the auction; provided, however, that the
28 [auctioneer] auction cryer may make a bid which is for the benefit of the owner if notice of such is

1 posted plainly for all attending the auction to see and the [auctioneer] action cryer makes such an
2 announcement in a manner that all can hear at the beginning of the auction;

3 (4) No free drawing shall be conducted, nor gifts given, nor any form of
4 entertainment provided to encourage attendance at the auction, or for any other purpose; and

5 (5) Upon request of any person who has bid upon an item offered for sale,
6 the [auctioneer] action cryer shall allow the bidder a reasonable opportunity to examine the item, and
7 the bidder may thereafter withdraw his bid at any time before the [auctioneer] action cryer declares
8 the item sold.

9 (B) The licensee shall during regular business hours of the day allow any police
10 officer or the Director to examine any item held for sale, offered for sale, or sold by auction at any
11 time before the item is delivered to the purchaser.

12 (C) The provisions of Paragraph (4) of Subsection (A) do not apply to automobile
13 auctions where members of the general public are not permitted to be in attendance.

14 SECTION 21: Title 6, Chapter 14, Section 150, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.14.150:** In addition to the general requirements prescribed for the conduct of auctions, all
17 auctions for the sale of jewelry, as herein defined, shall be conducted as follows:

18 (A) Before accepting any bids upon any item of jewelry, the [auctioneer] action
19 cryer shall read, in such manner as to be readily heard and understood at any place in the room where
20 the auction is being conducted, the description of the item as it appears on the label or tag attached
21 thereto;

22 (B) The [auctioneer] action cryer shall give to each purchaser of jewelry sold at
23 auction a written invoice containing a full description of the item as it appears on the inventory.
24 Duplicate copies of all invoices shall be kept by the licensee, available for inspection by police officers
25 and the Director, for six months after termination of each auction;

26 (C) No jewelry other than items listed on the inventory shall be sold at the auction
27 authorized by the permit issued therefor; and

28 (D) No item shall be sold or offered for sale which does not have attached thereto

1 or thereon the tag or label required herein.

2 SECTION 22: Title 6, Chapter 18, Section 30, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.18.030:** Each person required to be licensed as a burglar alarm service must pay in advance [a
5 semiannual] an annual license fee of [seventy-five] three hundred dollars.

6 SECTION 23: Title 6, Chapter 18, Section 40, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

8 SECTION 24: Title 6, Chapter 51, of the Municipal Code of the City of Las Vegas,
9 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 007,
10 to read as follows:

11 **6.51.007:** As used in this Chapter:

12 “Key” means a mechanical, electromechanical, electronic, or electromagnetic device used for
13 operating a lock and includes, but is not limited to:

14 (1) A change key or a key designed to operate a specific lock.

15 (2) A manipulation key or a key designed so that when variously positioned in the
16 keyways of locks will operate the locks.

17 (3) A master key or a key designed to operate a series of locks in a larger series of
18 locks.

19 (4) A tryout key or a key that will operate a series of locks in a larger series of
20 locks.

21 (5) A card or other device that contains, stores or transmits an electromagnetic code
22 or electronic data that enables the operation of a lock.

23 “Lock” means a mechanical, electromechanical, electronic, or electromagnetic device that is
24 designed to control access from one area to another or control the use of a vehicle or device.

25 “Locksmith” means a person whose occupation consists in whole or in part, of:

26 (1) Making, repairing or adjusting locks; or

27 (2) Operating locks by means other than those intended by the manufacturers of
28 the locks.

1 “Safe mechanic” means a person whose occupation consists in whole or in part of repairing,
2 operating, adjusting or changing combinations on safes or vaults.

3 SECTION 25: Title 6, Chapter 51, Section 20, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.51.020:** Each person who is required to be licensed by this Chapter must pay in advance [a
6 semiannual] an annual license fee of [one hundred fifty] three hundred dollars.

7 SECTION 26: Title 6, Chapter 51, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 40,
9 to read as follows:

10 **6.51.040:** (A) All business vehicles must clearly identify the name of the business and license
11 number of the locksmith or safe mechanic. The lettering must be at least four inches in height and
12 shall be displayed on at least two surfaces of the vehicle.

13 (B) All persons who perform the function of a locksmith or safe mechanic must
14 wear identifiable uniforms during work hours. The uniform must include the name of the business
15 in such a manner that allows a reasonable person to clearly view the business name from a distance
16 of three feet.

17 (C) All physical locations except those in residential zones must clearly identify the
18 name and license number of the business on signage on or within one foot of the door of the office
19 using letters that must be at least four inches in height.

20 SECTION 27: Title 6, Chapter 51, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50,
22 to read as follows:

23 **6.51.050:** No licensee shall indicate in any print matter or in any other directory or listing, internet
24 advertising, online or any other advertising medium that the licensee conducts a locksmith business
25 under any name other than the name for which they are licensed.

26 SECTION 28: Title 6, Chapter 52, Section 20, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.52.020:** Unless the context otherwise requires, the following words, as they appear in this

1 Chapter, shall have the meanings ascribed to them in this Section:

2 “Ancillary medical massage therapy” means the provision of massage therapy by a massage
3 therapist, limited to one room dedicated to massage therapy no larger than one hundred-fifty square
4 feet, which is incidental to the primary medical services provided by a licensed medical professional
5 at such professional’s licensed place of business.

6 “Chair massage therapy” means massage therapy administered by a massage therapist to the
7 neck, shoulders, back, arms, hands and feet of a fully clothed client utilizing a massage chair.

8 “Employee” means any massage therapist who is a bona fide employee of a massage
9 establishment.

10 “Independent massage therapist” means a massage therapist who is not an employee of a
11 massage establishment, is a sole practitioner, and hires no employees.

12 “Licensed medical professional” means a licensed physician pursuant to NRS 630, a licensed
13 homeopathic physician pursuant to NRS 630A, a licensed osteopathic physician pursuant to NRS 633
14 or a licensed chiropractor pursuant to NRS 634.

15 “Massage establishment” means any premises occupied and used for the purpose of performing
16 massage therapy[.], excluding a premises offering no massage therapy other than medical massage
17 therapy or ancillary medical massage therapy.

18 “Massage establishment licensee practitioner” means the licensee of a massage establishment
19 who performs massage therapy.

20 “Massage therapist” means any person who, for consideration, performs any massage therapy
21 as defined in this Section and has been licensed by the State to perform such services.

22 “Massage therapy” has the same meaning as set forth at NRS 640C.060.

23 “Medical massage therapy” means the physical application of massage therapy by a licensed
24 medical professional at such professional’s licensed place of business.

25 “Outcall massage therapy” means any massage therapy given or provided off the premises of
26 a licensed massage establishment by a massage therapist licensed by the City and State.

27 “Sexual activity” means any activity characterized as such by NRS 640C.700 or the regulations
28 adopted by the Nevada Board of Massage Therapists under NRS Chapter 640C.

1 “Specified anatomical area” means:

- 2 (1) Genitals;
- 3 (2) Pubic region;
- 4 (3) Buttocks; or
- 5 (4) Female breast.

6 SECTION 29: Title 6, Chapter 52, Section 40, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.52.040:** No person shall engage in, conduct or carry on, or permit to be engaged in, conducted
9 or carried on, in or upon any premises, the operation of a massage establishment, or the performance
10 of massage therapy as a massage therapist or a massage establishment licensee practitioner, without
11 first obtaining and thereafter maintaining a valid unexpired license for that activity pursuant to this
12 Title. A licensed medical professional providing medical massage therapy or an area for ancillary
13 medical massage therapy at the medical professional’s licensed place of business is not required to
14 obtain a license for operation of a massage establishment.

15 SECTION 30: Title 6, Chapter 52, Section 50, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.52.050:** (A) Each massage establishment must pay in advance [a semiannual] an annual
18 license fee of [two] four hundred dollars, together with the additional license fees for professional
19 employees described in LVMC 6.04.065. A massage establishment with separate facilities for men
20 and women shall be considered a single massage establishment and shall be charged a single license
21 fee every [six months.] year.

22 (B) Each independent massage therapist and massage establishment licensee
23 practitioner must pay in advance [a semiannual] an annual license fee of [one] two hundred dollars.

24 SECTION 31: Title 6, Chapter 53, Section 50, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.53.050:** Every martial arts instruction business that is required to be licensed by this Chapter
27 must pay in advance [a semiannual] an annual license fee of [seventy-five] one hundred fifty dollars.

28 SECTION 32: Title 6, Chapter 84, Section 20, of the Municipal Code of the City of

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

2 **6.84.020:** The operator of each wedding chapel shall pay in advance [a semiannual] an annual
3 license fee of [two] four hundred dollars.

4 SECTION 33: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 34: Whenever in this ordinance any act is prohibited or is made or declared
13 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
14 required or the failure to do any act is made or declared to be unlawful or an offense or a
15 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
16 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
17 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 35: 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 _____, 2012.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2012, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 _____ day of _____, 2012, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council 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 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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