

ORDINANCE NO. 2953
(Amend Chapters 4.04 and 4.05 of the Henderson Municipal Code)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, TO AMEND HENDERSON MUNICIPAL CODE CHAPTER 4.04, GENERAL BUSINESS LICENSE PROVISIONS AND CHAPTER 4.05, BUSINESS LICENSE FEE SCHEDULES, ADDING PROVISIONS TO ALLOW A MULTI-JURISDICTIONAL LICENSE; AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, on June 17, 2011, Senate Bill 110 (SB 110) of the 2011 Nevada State Legislature was signed into law by the Governor of Nevada; and

WHEREAS, SB 110 requires a board of county commissioners (including Clark County) and the governing bodies of certain incorporated cities within Clark County, including the City of Henderson, in accordance with the provisions of NRS 277.080 to 277.180, inclusive, to authorize a person who is licensed as a contractor pursuant to chapter 624 of NRS to engage in the business of contracting within the county and each of those cities, and

WHEREAS, SB 110 further requires that the County and affected cities, including the City of Henderson, adopt various ordinances aimed at the development and implementation of a multi-jurisdictional contractor license, no later than June 17, 2012, and

WHEREAS, the City of Henderson, Clark County, and other cities within Clark County that are required to enter into an agreement pursuant to SB 110 have, through several meetings, reached a consensus on certain provisions that should be adopted by each jurisdiction in order to accomplish the requirements of SB 110, and

WHEREAS, the city council of Henderson desires to update certain of the business licensing regulations of HMC Chapter 4.04 – General Business License Provisions, and HMC 4.05 – Business License Fee Schedules, to add provisions that will accommodate a multi-jurisdictional license to be issued; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada does ordain:

SECTION 1. Section 4.04.010 Definitions, is amended as follows:

The following words and terms whenever used in this title have the meanings ascribed to them below unless the context clearly indicates a different meaning, or unless such words and terms are specifically given a different meaning in any other chapter of this title:

“Applicant” means any person who has requested or is about to request a city business license or permit.

“Auditor” means an employee of the finance department of the City of Henderson acting for, or at, the direction of the director of business license.

“Business” means any business, commercial enterprise, trade, occupation, calling, profession, vocation, or activity engaged in, conducted, carried on, advertised, or held out to the public to be a business by any person, his agent, or employee for the purpose of gain, benefit or advantage, either direct or indirect, with the principal objective of livelihood and/or profit through repetitive means.

“City” means the City of Henderson, Nevada, a municipal corporation.

“Commercial mail receiving agency (CMRA)” means a commercial business that acts as an agent for the receipt of another's mail. Said mail may be held at the location for pickup by the addressee or the addressee's designee or forwarded to the addressee or the addressee's designee.

“Council” means the city council of the City of Henderson.

“County” means Clark County, Nevada.

“Director” means the administrator of the business license division of the City of Henderson, or his designee.

“Division” means the business license division of the City of Henderson.

“Employee” means any person who performs service for another for hire, salary, wages, or any other kind of compensation, whether or not the services are casual, temporary or permanent, and whether or not the contract of service is expressed or implied, oral or written. For purposes of this title, an individual shall be considered an employee only when the usual documentation and filing with the proper state and federal agencies governing employee/employer relationship has been complied with.

“Establishment” any buildings, improvements, equipment, and facilities used or maintained in connection with a business.

“Executive suites or shared office” business means one whose primary business is to maintain a number of individual rooms, cubicles, or offices for use by other businesses and to provide personalized telephone answering and mail service and one or more of the following: a separate business listing in a public area; a reception area with receptionist; a definite number of hours of use of an office; use of a conference or meeting room; exclusive use of an office; availability of secretarial, clerical, and/or data processing staff; availability and use of office equipment.

“Gross revenues”, as used in connection with the determination of license fees, means the total amount of the sale price of all goods sold, originating in the city and regardless of destination; the total amount of the cost of goods sold plus profit margin for manufactured goods originating in the city and regardless of destination; the total amount charged or received for the performance of any act, service, or employment, of whatever nature it may be, whether or not such service, act, or employment is performed as part of or in connection with the sale of goods, wares, merchandise for which a charge is made or credit allowed, including all receipts, cash, credits, or property of any kind, any amount for which credit is allowed by the seller to the purchaser. All such totals are to be calculated without any deduction therefrom on account of the cost of the property sold, cost of materials used, labor or service costs, interest paid or payable, or any other expense whatsoever; provided, however, that cash discounts allowed or taken on sales or services, all taxes, all allowances for bad debts, and all revenues derived from business operations covered by another city business license or licenses, shall be excluded from gross sales.

“License” means permission granted by the licensing authority to engage in the business for which the license is issued.

“Licensee” means any person to whom a valid business license has been issued.

“License fee” means any monies required by law to be paid to obtain or renew a license.

“Multi-jurisdictional license” means a business license issued by a primary jurisdiction authorizing a business to also operate in participating jurisdictions within the County as selected by the applicant/licensee.

“Non-primary jurisdiction” means a participating jurisdiction within the County wherein a business does not have a fixed location, but in which the applicant/licensee has identified it intends to conduct business. The non-primary jurisdiction is not responsible for maintaining the records, the issuance of a license or the renewals for a multi-jurisdictional business license.

“Officer” means a business license employee in an investigative and/or enforcement capacity acting for or at the direction of the director.

“Participating jurisdiction” means a jurisdiction within the County that is a party to the agreement that allows a business to operate in one or more jurisdictions pursuant to such agreement.

“Permit” means a written warrant or license granted by the business license division.

“Person” includes any individual, association, corporation, firm, partnership, trust, or other form of business association.

“Premises” means land, together with all buildings, improvements, parking lots and personal property located thereon.

“Primary jurisdiction” means a participating jurisdiction within the County wherein a business has its fixed location, or, if a business does not have a fixed location in any participating jurisdiction, the primary jurisdiction shall be the first participating jurisdiction in which such business intends to conduct business. The primary jurisdiction shall be responsible for maintaining the records, the issuance of a license and the renewals for a multi-jurisdictional license.

“Professional” means any person that:

1. Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or regulated pursuant to the Nevada Supreme Court rules;
Has obtained a bachelor's or higher degree in the particular field of study from an accredited institution as specified by the regulatory body or Nevada Supreme Court rules; and
3. Practices such profession for any type of compensation, whether as a sole practitioner, owner, partner, associate or employee.

SECTION 2. Section 4.04.180 Provisions related to multi-jurisdictional licenses.

A. The license fee for the multi-jurisdictional license shall be the congregate of the applicable license fees of the primary jurisdiction and non-primary jurisdictions that have been selected by the applicant/licensee.

B. Licenses in categories that have been identified by the Director as eligible for the multi-jurisdictional program may be issued for fixed renewal cycles.

C. Licenses in categories that the Director may identify as being eligible for the multi-jurisdictional program may have the appropriate change of fee, associated with the transition, implemented at such time as determined by the Director.

D. Notwithstanding provisions stated elsewhere in this title, the initial license period may be modified from a semi-annual period and the associated license fees prorated on a monthly basis to transition a non-multi-jurisdictional license to a multi-jurisdictional license.

E. Notwithstanding provisions stated elsewhere in this title, multi-jurisdictional license fees may be prorated on a quarterly basis in the following circumstances:

1. Upon first time issuance of new license; or
2. Upon addition of a non-primary jurisdiction to an existing multi-jurisdictional license.

SECTION 3. Section 4.05.220, Contractors, is amended as follows:

[Ninety (\$90.00) dollars semiannually f]For each person required [by NRS 624, as may be amended or renumbered,]to have a state contractor's license[.] pursuant to NRS 624 the license fee shall be \$100.00 semiannually.

SECTION 4. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 6. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on January 6, 2012, in the Review Journal.

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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscoring.

PASSED, ADOPTED, AND APPROVED THIS 3rd DAY OF JANUARY 2012.

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on December 20, 2011, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on January 3, 2012, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held January 3, 2012, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor Andy Hafen
Councilmembers:
Sam Bateman
Debra March
Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: None

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, CMC, City Clerk