

ORDINANCE NO. 3290
(Amend Henderson Municipal Code Chapter 4.04 – General Business License Provisions)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND CHAPTER 4.04 – GENERAL BUSINESS LICENSE
PROVISIONS – OF THE HENDERSON MUNICIPAL CODE, AND MATTERS
PROPERLY RELATED THERETO.

- WHEREAS, Ordinance 2002 §1, was adopted June 20, 2000; and
- WHEREAS, Ordinance 2370 §1, was adopted September 20, 2005; and
- WHEREAS, Ordinance 2916 §2, was adopted on May 3, 2011; and
- WHEREAS, Ordinance 2953 §1, was adopted on January 3, 2012; and
- WHEREAS, the City has conducted a comprehensive review of the business license title;
and
- WHEREAS, updates are currently required to ensure consistency with the Nevada Revised
Statutes and City policies and practices; and

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

SECTION 1. Chapter 4.04 – General Business License Provisions is hereby amended as
follows:

Sections:

- 4.04.010 Definitions.
- 4.04.013 Licensee's or permittee's agreement to conform to law.
- 4.04.015 Reserved[Words and terms—Tense, number and gender].
- 4.04.017 Application of other ordinances.
- 4.04.020 License required.
- 4.04.021 License—Permit – Transfer or assignment unlawful.
- 4.04.022 Advertising to be considered prima facie evidence of engaging
in business.
- 4.04.023 False, deceptive or misleading advertising prohibited.
- 4.04.025 Temporary license – Privileged business.
- 4.04.030 Persons exempt.
- 4.04.040 Director of business license—License register—Investigations.
- 4.04.050 Federal, state, or county regulation compliance. [license
required.]
- 4.04.060 Contents of application forms.
- 4.04.062 Adoption of additional regulations.
- 4.04.065 Application fee.
- 4.04.070 Separate license required for each place of business.
- 4.04.075 Remittance of fees and taxes.
- 4.04.080 Semiannual license.
- 4.04.085 License fees – When refundable.
- 4.04.086 Origination fee—Waiver.
- 4.04.087 Withdrawal of application-Refund.

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- 4.04.090 Businesses paying license fee on the basis of semiannual gross revenues—Penalty for underreporting—Violation of provisions of this title to underreport—Audits.
- 4.04.100 Renewal of licenses.
- 4.04.110 Delinquent license – Expired license.
- 4.04.115 Penalties-Revocation-Reinstatement.
- 4.04.120 Change of location—Change of business name[—Change of corporate officer, director].
- 4.04.125 Changes in officers or membership of licensees—
Corporations—Limited Partnerships—Limited liability
companies.
- 4.04.130 Display of license.
- 4.04.140 License fee as debt.
- 4.04.150 Denial, nonrenewal, suspension, limitation and revocation of licenses.
- 4.04.160 Reserved.
- 4.04.170 Reserved[Transitional license].
- 4.04.180 License, key employees.
- 4.04.190 Provisions related to multi-jurisdictional licenses.
- 4.04.200 Enforcement authority.
- 4.04.205 Emergency actions.
- 4.04.210 [Aggrieved parties]Appeal of license denial.
- 4.04.220 Reserved.
- 4.04.230 Penalty for violation of title.
- 4.04.235 [Judicial review]Reserved.

4.04.010 Definitions.

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:

Advertising means any writing, printing, display, emblem, drawing, sign, card, or other device placed on a motor vehicle, published in a newspaper, magazine or other periodical, broadcast by any means, posted on the Internet, or printed on circulars or flyers with the intent to promote the sale of products, services, or objects, or to attract attention to a place or an event.

Antique means a unique object of personal property that is not less than 60 years old and has special value primarily because of its age.

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 c[C]ity[of Henderson] acting for, or at, the direction of the director of business license.

Building official shall have the same meaning as set forth in HMC 15.01.040.

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.

Development Code means Title 19 of the Code.

Delinquent or delinquency means failure to remit fees or taxes or other required submissions as required.

Director means the [administrator] business license supervisor of the [business license] division of the finance department of the c[C]ity[**of Henderson**], or his/her designee.

Division means the business [license] operations division of the finance department of the c[C]ity[**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 means any real property including any buildings, improvements, equipment, [and] facilities, outdoor seating areas authorized through this code, and parking lots used or maintained in connection with the operation of 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

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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.

Finding of suitability means that, after investigation, a person is found to comply with the requirements of this title that are prerequisite to involvement with a privileged business. This title authorizes the city council to require that certain persons who are directly or indirectly involved with privileged businesses be found suitable for such involvement so long as that relationship continues. A finding of suitability relates only to the specific license classification for which it is made. If the applicant or licensee seeks a license type that is different from that for which the applicant is found suitable, or if, in the judgment of the director or city council, new information concerning the applicant's suitability has become available, the applicant may be made to submit to a new determination of suitability.

[*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.]

Gross revenues, as used in connection with the determination of license fees, means:

1 The total amount of the sale price of all goods sold, originating in the city and regardless of destination.

2 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, or merchandise, for which a charge is made or credit allowed, including all receipts, cash, credits, bartered products or services of any kind.

3 The total amount charged or received for manufactured goods originating in the city and regardless of destination; includes the cost of goods

sold, plus the value added during manufacturing as it would reflect in the price or fair market value of the finished goods.

All such totals are to be calculated without any deduction for the cost of the property sold, cost of materials used, labor or service costs, interest paid or payable, or any other expense whatsoever.

Gross revenues, as used in connection with the determination of license fees shall not include:

Properly documented 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.

Health department means the Southern Nevada Health District.

Key employee means any executive, manager, employee, agent, officer or director of a privileged licensee or applicant having the power to exercise significant influence or control over decisions concerning any part of the operation of the business or a person charged with the day-to-day operations of the privileged business.

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.

Moral turpitude means any crime, including conspiracy to commit the crime which:

1. Involves an overt act of intentional dishonesty or fraud for the purpose of personal gain, or

Involves an act of baseness, vileness, or depravity in private and social duties that a person owes to his or her fellow human beings or to society in general, contrary to the accepted rule of right and duty between two human beings.

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 an **[business license]** employee of the division in an investigative and/or enforcement capacity acting for or at the direction of the director.

Origination fee is a one-time fee, if required, which is due and payable prior to issuance of a new privileged license pursuant to this title.

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]** document granted by the business **[license]** operations division for a given location and at a given time within the city.

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

Police department means the Henderson Police Department.

Premises **[means land, together with all buildings, improvements, parking lots and personal property located thereon]** shall have the same meaning as "Establishment".

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.

Privileged business means a business in which a person may engage only by grant of a privileged license.

Privileged license means a license granted by special permission from local, state, or federal authorities or any combination thereof and not as a matter of right.

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;
2. 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.

Public park shall have the same meaning as set forth in section 19.12.4 of the Development Code.

School shall have the same meaning as school site as set forth in section 19.12.4 of the Development Code.

State means State of Nevada.

(Ord. 2370, § 1, 2005; Ord. 2002, § 1 (part), 2000; Ord. No. 2953, § 1, 1-3-2012)

4.04.013 Licensee's or permittee's agreement to conform to law.

Acceptance of a city business license by a licensee or permit by a permittee constitutes an agreement on the part of such licensee or permittee to be bound by all of the regulations of the city as the same are now, or may hereafter be amended or promulgated. It is the sole responsibility of the licensee or permittee to keep himself informed of the content of all such rules and regulations, and ignorance thereof shall not excuse violations.

4.04.015 Reserved[Words and terms—Tense, number and gender.

In constructing the provisions of this title, save when otherwise plainly declared or clearly apparent from the context:

- A. Words in the present tense shall include the future tense;
- B. Words in the masculine shall include the feminine and neuter gender;
- C. Words in the singular shall include the plural, and in the plural shall include the singular.]

4.04.017 Application of other ordinances.

The terms, conditions and policies of other applicable statutes and ordinances applicable to specific businesses as well as all ordinances of the city designed for the protection of the health, safety, morals, and welfare of the public are intended to be applied in conjunction with this title. The fact that such statutes or ordinances may not specifically be referred to in any section of this title shall in no manner preclude their application to any licensee or permittee in any section of this title.

4.04.020 License required.

- A. It shall be a violation of the provisions of this title and unlawful for any person to commence, carry on, engage in or continue in the city any business without first obtaining a license and paying the appropriate license fee as provided by terms and provisions of this title.
- B. A license shall only be issued if the applicant has a fixed place of business from which the business will be conducted, unless this[e] title specifically states otherwise. Once issued a license, the licensee shall not

engage in business from any other premises other than the **[one]premises** for which the license was issued.

C. No licensee engaged in business within the city limits of the **c[C]ity**[of Henderson] shall allow the license of any other business to be displayed, i.e., "hang," at the licensee's premises. For purposes of this subsection, a license "hang" is defined as using the address of a licensed business as the business address of another business not actually **[in operation]** licensed to operate at the licensed location.

D. Upon the filing of a complete and accurate business license application and the payment of all required fees, the applicant may be issued either a permanent or a temporary business license by the division. A permanent license will be issued provided that the requirements of all appropriate federal, state, county and municipal laws and regulations have been met and that all specific requirements of all departments of the city have been met and properly approved. A temporary business license for a business license type not subject to the provisions of chapter 4.03 may be issued and if issued shall permit the applicant to engage in **[the]business [designated]**at the location designated on the license**[so stated]** for a period of up to, but not to exceed, 60 days, within which all inspections and requirements imposed upon the applicant by the various departments or divisions of the city are to be complied with. Upon the recommendation by the various departments or divisions within the city, the division shall have the discretion to extend such temporary business license for a period of an additional 60 days. It shall be the sole responsibility of the applicant to schedule all follow-up inspections necessary to comply with all the requirements and corrections. Should the applicant **[have not met]** fail to meet the requirements as set forth by the departments or divisions of the city within the maximum prescribed time limit of 120 days (or 60-days if no extension was granted), the temporary license shall no longer be valid**[deemed expired]**. Continued operation of the business, once the temporary business license is invalid, shall constitute a violation of this title, and the business shall be subject to legal action as prescribed by this title, the penalties for which are described in section 4.04.230. A license that is deemed invalid may not be reinstated.

E. The address of a commercial mail receiving agency ("CMRA") may be used for the mailing address of a business not owned and operated by the owner(s) of said CMRA, but must not be represented or held out to be the physical location of such business. A designation of "suite," "number," "room," "apartment (apt.)," or any similar designation so as to lead a reasonable and prudent person to believe that the address is the physical location of the business shall not be used. The owner or operator of a CMRA shall keep on file the Form 1583 as required by the United States Postal Service and shall make the same available to the director, his designee or an officer of the business **[license] operations** division upon request.

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F. It shall be the responsibility of the owner or operator of the CMRA to inform any and all clients of the above requirement.

G. Licenses may be issued to businesses proposed to be located in properly licensed executive suites or shared office ~~[locations]~~ establishments. It shall be the responsibility of the owner/operator of the executive suites or shared office establishment ~~[business]~~ to obtain, maintain, and produce upon request by the city the records on each tenant of said business, including but not limited to a credit application, an application that includes identifying information regarding the names and residential addresses of each owner or corporate officer, a completed postal service Form 1583 (if mail service is part of the services provided), and a completed and signed service contract or service agreement between the licensed executive suites or shared office business and the proposed business. Failure to provide the requested business information as required in this subsection constitutes a violation of the provisions of this title.

(Ord. No. 2916, § 1, 5-3-2011; Ord. 2002, § 1 (part), 2000)

4.04.021 License—Permit – Transfer or assignment unlawful.

It shall be a violation of the provisions of this title, and unlawful, for any person issued a business license or permit to transfer said license or permit issued by the city to any other person.

4.04.022 Advertising to be considered prima facie evidence of engaging in business.

Advertising (as defined in section 4.04.010) by any person shall be prima facie evidence that such person is engaged in business and is subject to the provisions of this title.

4.04.023 False, deceptive or misleading advertising prohibited.

A. It is unlawful for any licensee, or any independent contractor, agent or employee thereof, to publish, disseminate, display, or cause to be displayed by any advertising medium, any statement that would suggest to a reasonably prudent person that any service other than that specified on the business license and defined in this chapter is available to the public. Such an act is grounds for revocation of the license.

B. It is unlawful for a person to offer directly or indirectly by any advertising medium, device or declaration, or by any other manner or means any unlicensed or unpermitted activity when such license or permit is required and has not been issued or granted.

4.04.025 Temporary license—Privileged business.

A. An applicant for a privileged [business] license [type identified in section 4.03.050] may request a temporary business license, pending final

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action regarding a license application to determine the applicant's suitability for a license as provided under section 4.04.040 of this chapter. The director is authorized to issue a temporary license under the following conditions:

1. The applicant has filed a temporary license request with the division;

The applicant has filed a complete and accurate business license application with the division;

3. The applicant has submitted a complete and accurate background investigation questionnaire, and provided a full set of the applicant's fingerprints, to the police department;

4. The applicant has paid a non-refundable temporary license processing fee in the amount of \$400.00, in addition to all other required application and investigation fees;

5. The premises within or the location at which the applicant's business is to be conducted has been inspected and city departments have been consulted with respect to all applicable zoning, building and construction requirements;

6. All health and safety requirements of concurrent government regulatory agencies have been met; and

7. The director makes a preliminary finding that the applicant, including all of the principals of the business, is suitable.

B. A temporary business license may be issued to an applicant to engage in the specific business activity described in the application, at the location identified in the application, for a period not to exceed 120 days or until a final decision has been made by the director granting or denying a business license, whichever comes first. During the temporary business license period, an applicant, principal, licensee, and their employees and other persons acting on their behalf, shall comply with all of the requirements or conditions imposed upon the license by this Code or by agencies of the state or county, as the case may be, or resulting from inspections by departments of the city.

C. Prior to the expiration of the temporary license period under subsection 4.04.025(B), the temporary license may be extended by the city council for an additional period not to exceed 120 days. When granting an extension on a temporary license, the council may impose any special conditions and restrictions on the applicant it deems appropriate.

D. During any period in which a temporary license is in effect or extended, the director will suspend a temporary license if it is discovered that there is reasonable cause to believe one or more of the grounds for denial identified in subsection 4.04.150(A), including a determination of a lack of suitability for the license, is found to exist. The director may issue a stop work order to stop the

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continued operation of the business.

E. In the event the director suspends a temporary license, the applicant may appeal the director's decision to the **[city council]** chief financial officer of the city as provided under section 4.04.210 of this chapter. **[The city council may confirm the suspension of the temporary license, or reinstate the license subject to any conditions or restrictions the city council deems appropriate. The city council's confirmation of the suspension shall also be deemed a denial of the applicant's license application.]**

(Ord. No. 2916, § 2, 5-3-2011)

4.04.030 Persons exempt.

A. Employees. Nothing in this title, including the imposition of any license fee, shall be deemed or construed to apply to any person engaged in any of the professions or occupations hereinafter enumerated solely as an employee of any other person conducting, managing, or carrying on any such business unless specifically provided otherwise by this title.

B. Community theaters. Nothing in this title, including the imposition of any license fee, shall be construed to apply to any community theater as defined in NRS 364.130.

C. Nonprofit organizations. Any nonprofit organization, so registered with the Internal Revenue Service**[or with the State of Nevada, Secretary of State]**, is exempt from the imposition of any license fee, except as provided for elsewhere in this title; provided, however, that such organization shall register with the division and if operating at a commercial location in the city, shall be required to have said location inspected by the city for conformance with building, safety, fire, and other regulations, as if a license were required of the establishment.

(Ord. 2002, § 1 (part), 2000)

4.04.040 Director of business license—License register—Investigations.

A. It shall be the duty of the director to keep a register of all licenses issued, and to administer the provisions of this title unless provided otherwise herein.

B. Whenever, in the administration of this title, it is advisable for investigations to be made of persons engaged in or connected to a present or a proposed business activity, the investigators and supervisory personnel of the police department, and on behalf of, and for the city council, city manager, and city attorney are authorized and empowered to obtain records of criminal history from various criminal justice agencies, financial information, and any other information necessary to conduct a background investigation. In addition, the department is authorized to obtain other records and information

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from various agencies and sources which are outside the term "records of criminal history."

C. The information obtained pursuant to subsections A and B of this section shall not be disseminated beyond that which is permitted by federal or state law and is to be used only for the purposes of:

1. Determining the ~~[fitness]~~suitability of any licensee ~~[holder]~~, or person who may be required to have, or ~~[applicant]~~apply for a business license~~[,work card]~~ or other permit as required by this Code; and
2. Determining whether there has been any violation of this Code or other business regulations enforced by the city.

(Ord. 2002, § 1 (part), 2000)

4.04.050 Federal, state, or county regulation compliance. ~~[license required.]~~

~~[No license to conduct any business or occupation in the city which is regulated and/or licensed under any provision of the Nevada Revised Statutes shall be issued unless and until a state license has been obtained therefore, with the exception of those businesses or occupations that are required by a state agency to obtain a local business license prior to issuance of a state license.]~~

A. Nothing in this title shall be construed to preclude the city from requiring a license or license fee for any business specified herein that may now or in the future be required to obtain a license or permit from or to pay a license or permit fee to a federal, state, or county agency.

B. When a business license or permit is required by a federal, state, or county agency, the applicant for a city business license or permit may be required to submit evidence to the division that the federal, state, or county license or permit has been obtained prior to the issuance of the city license or permit.

C. Failure to maintain required federal, state, or county licenses or permits is cause for immediate revocation of the license or permit.

D. Each business shall be in compliance with all applicable federal, state, and county statutes and/or regulations.

E. Businesses required by a federal, state, or county agency to obtain a local business license prior to the issuance of the federal, state, or county license or permit must provide proof of the federal, state, or county license or permit within ten working days of receipt thereof.

[(Ord. 2002, § 1 (part), 2000)]

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4.04.060 Contents of application forms.

A. The application forms supplied by the division shall include, but not be limited to, the following questions:

1. The name of the person to whom the license is to be issued, and the location for which the license is sought;

The kind of business to be conducted under the license;

3. The anticipated date of opening;

4. If the applicant is a partnership, association, or other similar form of business entity, other than a corporation, limited partnership or limited liability company, the application shall contain the names, and other information specified, of all persons owning an interest in the business, together with a copy of any partnership agreements;

5. If the applicant is a corporation, limited partnership or limited liability company, the application shall contain the names, and other information specified, of all corporate officers registered with the Nevada Secretary of State and owning an interest in the business, together with a copy of the articles of incorporation;

6. Any forms, certificates or evidence of compliance as required by federal, state, county, or municipal laws or regulations.

B. Whenever this title specifies that a background investigation is a prerequisite to the licensing procedure, the following shall apply:

1. In the case of a corporation, limited partnership or limited liability company, the director or the chief of police, or their designee, shall determine who, if any, of the principal officers, managers, or members shall be required to submit to background investigations.

2. In the case of a publicly traded corporation with corporate officers who will not be involved in the day-to-day operations of the business in which a license is sought, the corporate officers will not be required to undergo a background investigation. In any such case, the manager for the business involved in the day-to-day operations of the business will be required to undergo a background investigation for a finding of suitability.

3. [Investigation fees.] An investigation fee, as set forth in chapter 4.03, is required [deposit] for each person seeking [required] to be licensed and/or required to obtain a finding of suitability and shall accompany every application. The investigation of a [previously licensed] person [(one) who has held a privileged license or obtained a finding of suitability][license which requires a background investigation] within one year immediately preceding the present application[)] may be waived by the director. The director may require prepayment of additional investigation fees if he or she determines

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that the circumstances so warrant. The fees [, as set forth elsewhere in this,] are minimum fees, and no portion of the minimum fee shall be refundable unless the application is withdrawn prior to the beginning of the investigation.

4. If any applicant withdraws his application prior to the background packet being submitted to the police department, all investigation fees may be refunded to the applicant.

5[2]. The results of said investigation shall be given to the director [within] upon completion [60 days]. A copy of negative investigation results will be made available to the applicant or [his]the applicant's authorized representative upon request.

(Ord. 2002, § 1 (part), 2000)

4.04.062 Adoption of additional regulations.

The council may adopt reasonable rules and regulations, requiring additional information upon application for licenses, permits, additional records, or prescribing additional rules and regulations addressing matters incidental to any and all sections of this title when, after investigation, it finds that such rules and regulations are reasonably necessary in the public interest.

4.04.065 Application fee.

Each application for a new business license shall be accompanied by a nonrefundable application fee of \$50.00 per license classification subject to council approval. All other applications filed for a new business license shall be subject to a non-refundable application fee of \$25.00 per license classification. Processing of the application shall not commence until the division has received the applicable application fee(s).

(Ord. 2002, § 1 (part), 2000)

4.04.070 Separate license required for each place of business.

[A license shall authorize a party to transact the business described in such license at a particular location. Separate licenses shall be obtained for each and every class and type of business specified in this title even though several classes or types of business may be operated by the same person and at the same place of business. Any person conducting several classes or types of business, each of which is required by section 4.04.020 to pay a license fee on the basis of gross revenues, at the same location and under the same business name, shall be required to apply for and obtain only one license.]

A. A license shall authorize the licensee to transact the business described in the license at the location specified in the license.

B. Separate licenses must be obtained for:

1. Each branch, establishment, or separate location of a business;

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Each name under which an applicant intends to do business or under which a licensee does or is doing business; and

3. Each and every class and type of business specified in this title even though several classes or types of business may be operated by the same person and at the same place of business.

a. Notwithstanding the foregoing, if the licensee operates multiple business types that are all required by this title to pay a gross revenue license fee and are in the same location and under the same business name, the licensee shall be required to apply for and obtain only one gross revenue license.

(Ord. 2002, § 1 (part), 2000)

4.04.075 Remittance of fees and taxes.

If the due date for the remittance of fees and/or taxes falls on a weekend, holiday, or any other day the city offices are closed, the payment must be received by the close of business on the first business day thereafter.

4.04.080 Semiannual license.

Except as noted in this title, all business licenses issued by the division shall be semiannual. Further, unless otherwise specified in this title, f[F]or purposes of determining the semiannual license period, a license issued by the division [between the first and 15th days of the month shall be deemed to begin on the first day of that month. A license issued by the division between the 16th and last day of the month] shall be deemed active on the issued date, but with the start date, for renewal purposes, to be on the first day of the following month.

(Ord. 2002, § 1 (part), 2000)

4.04.085 License fees – When refundable.

A. License fees must be paid in advance for the license periods set forth in this title.

B. Initial license fees are due at the time of application and will be applied to the first license period. Notwithstanding the foregoing, if a business has been in operation prior to obtaining the appropriate license(s) for their business operations, the business must pay the fees applicable to the unlicensed renewal periods for their business operations prior to the issuance of their license. No license will be issued until appropriate fees are paid.

C. No license fees paid under this title shall be refunded after the start of the license period for which the fee has been paid, regardless of whether the operation of the business has been voluntarily terminated or the license has been revoked under the provisions of this title or for any other reason, except in the case of a clerical error or duplicate payment.

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D. License fees paid for applications that are denied by the council may be refunded at the discretion of the director.

E. No license fee may be prorated unless specifically stated elsewhere in this title.

F. If the division determines that a refund of license fees is warranted pursuant to the provisions of this title, only those fees paid by the licensee within one calendar year immediately preceding the date the refund was requested shall be eligible for a refund.

G. No interest shall accrue or be paid on any refunded license fees.

4.04.086 Origination fee—Waiver.

A. The origination fee shall not be assessed when a change of ownership of a currently licensed business occurs.

B. The liquor license origination fee may be waived at the discretion of the city manager, or his designee, for any liquor license issued in relation to management or operation of a city owned property.

4.04.087 Withdrawal of application—Refund.

A. If an applicant withdraws his application prior to the issuance of the license or permit, and business activities related to the application have not commenced or been conducted without the license or permit, license fees other than the application fee may be returned to the applicant.

B. For license applications subject to background investigation, if any applicant withdraws his application prior to the background packet being submitted to the police department, all investigation fees deposited shall be returned to the applicant.

4.04.090 Businesses paying license fee on the basis of semiannual gross revenues—Penalty for underreporting—Violation of provisions of this title to underreport—Audits.

A. When first securing a license to commence operations of a business required to pay the license fee on the basis of semiannual revenues, the applicant shall be required to declare a true estimate of the anticipated, or the actual amount of the semiannual gross revenues, upon which the license fee shall be paid. In no event shall the license fee be less than the minimum prescribed by C[c]ode. In the event the business gross revenues for the first period exceeds the amount of gross revenues for the payment of the declared fee, the balance due shall be added to the fee for the second semiannual period. With respect to calculating the fee for the second semiannual period only, the fee shall be based on the gross revenues for the first five full months plus any gross revenues recognized between the [16th and last day of the

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month for those businesses licensed after the 15th of the]date of issuance and the first date of the following month in accordance with section 4.04.080. For each subsequent period[s] the fee shall be based on the gross revenues for the full six-month period ending on the last day of the month preceding the month of renewal. In any case, each licensee shall declare under oath report and attest to the accuracy of the amount of gross revenues during the last preceding period which shall be used as the basis of payment for the next licensing period.

If an audit during the first period of operation or the nature of the business indicates that the gross revenues of the business will substantially exceed the amount required for the payment of the minimum fee, the division may require the immediate payment of the balance of the fee for such period.

B. It shall be a violation of the provisions of this title for any licensee required to pay a license fee on the basis of gross revenues to make a material and intentional underdeclaration of [his] the licensee's gross revenues for any licensing period. In determining materiality, the fact that the underdeclaration places the licensee in a lower fee bracket shall be considered. [(It may be grounds for nonrenewal, suspension, limitation or revocation of [his] a license, for any licensee to make a material and intentional underdeclaration of [his] the licensee's gross revenues for any licensing period.[]]

C. The director, the auditor, or the director's designee shall [have] be provided access to the books and business premises of such business for the purpose of performing an audit to verify the accuracy of the calculation of business license fees paid and for assurance of compliance with other sections of this title. It shall be a violation of the provisions of this title for a licensee to fail to keep adequate records of gross revenues. It shall also be a violation for a licensee to fail to produce adequate records for the review of the director, the auditor or the director's designee within 96 hours after receipt of written notice of the demand or such other reasonable period as agreed upon by the director or his designee. Said notice shall be by certified mail, return receipt requested, to the last address properly filed with the division. Adequate records shall include but not be limited to the following: original copies of all sales invoices and credit card slips for a period of one year preceding the date of the audit and all cash receipts journals, income and sales tax returns, financial statements, ledgers, copies of business license renewal forms and related supporting documentation for calculations thereon and any other documentation kept in the ordinary course of business for a period of three years preceding the date of the audit. The information received from the licensee under this section shall be confidential and available only to those city officials concerned with such matters.

D. The director shall have the authority to secure additional consulting or

third-party auditing services necessary to perform the auditing process. In the event the audit findings reveal that any business failed to accurately declare or pay gross revenue to the city by ten percent or more, the audited business shall be required to reimburse the city for all expenses incurred for the audit, including, without limitation, consultants and other third-parties hired by the city to assist in the audit process.

E[D]. If, as a result of an audit, it is determined that there has been an underdeclaration of the gross revenues for the period being audited, a penalty of ten percent and interest on the amount of underpayment of one percent per month or fraction thereof, in addition to the amount due, shall be assessed.

F[E]. If it is discovered that a business has been in operation without first obtaining a business license, the business shall pay all license fees due from date of commencement of operations to the current license period plus a ten percent penalty of each fee due and interest on the licensee fee at the rate of one percent per month or fraction thereof.

(Ord. 2002, § 1 (part), 2000)

4.04.100 Renewal of licenses.

A. A licensee shall not be required to complete an application to renew a license, but is required to pay the appropriate license fee and submit the renewal either online, in person or via mail to the city with the payment. Renewal of the license certifies by the licensee current compliance with provisions of the title and agreement for continue compliance.

B. A renewal notice will be prepared for a~~A~~ll businesses licensed under this title ~~[receive a renewal notice]~~ before the due date of the next licensing period; provided, however, that the failure to notify any licensed business of the approaching license expiration shall not be held to waive the payment of the license fee, and, that the actual receipt of such notice is in no case required. The due date shall be the last day of the month of a licensing period.

(Ord. 2002, § 1 (part), 2000)

4.04.110 Delinquent license – Expired license.

There shall be no grace period. All license fees must be received in the business license office by the due date~~[.]~~, which is the expiration date of the current license period. A postmark shall not be recognized as meeting the receipt requirement. All licenses for which fees have not been paid on or before the due date shall be deemed to have expired.~~[Any such license shall not be reinstated until the license fee, together with a ten percent penalty fee on the balance due, shall have been paid.]~~

(Ord. 2002, § 1 (part), 2000)

4.04.115 Penalties-Revocation-Reinstatement

A. Any quarterly license fee which is not received by the division on or before the quarterly due date shall be assessed a delinquent penalty in an amount equal to ten percent of the amount of the unpaid license fee. If the quarterly license fee and penalties are not received by the division within one month immediately following the due date, the license shall be automatically revoked on the first day of the second month.

B. Any semiannual license fee which is not received by the division on or before the semiannual due date shall be assessed a delinquent penalty in an amount equal to ten percent of the amount of the unpaid license fee. If the semiannual license fee and penalties are not received by the division within four months immediately following the due date, the license shall be automatically revoked on the first day of the fifth month.

C. Reinstatement:

1. A license which has been automatically revoked because a licensee has not complied with the semiannual license fee provisions of this section may be reinstated by the director if, not later than 60 calendar days immediately following the date the license was automatically revoked, the licensee pays to the city:

a. The delinquent and un-paid quarterly or semiannual license fee;

b. All penalties pursuant to subsection A or B of the section; and

c. A license reinstatement fee of \$250.00 for any privileged license as set forth in this title and \$25.00 for any other license within this title.

A license which has been revoked as a result of violation(s) of this title shall not be reinstated unless the licensee pays to the city a reinstatement fee of \$250.00 for any privileged license and \$25.00 for any other license. Payment of such fee shall be in addition to any requirements of reinstatement made by the division or city council.

3. A license may not be reinstated if the business is no longer in compliance with the provisions of this title.

4.04.120 Change of location—Change of business name[—Change of corporate officer, director].

A. A licensee may change the location of the licensed business [from a City of Henderson-based home occupation business to a City of Henderson commercial location or from one City of Henderson commercial location to another] by filing a form provided by the division, [, which shall] The division may approve [such] the location change[transfer] if the new location meets all the requirements of this Code, and such applicant pays a \$10.00 administrative fee per license upon filing of such application. The application

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to change location **[shall]** must be filed and approved **[and the new commercial premises inspected]** prior to the commencement of business at the new location. Commercial premises will be subject to inspection prior to approval of the change of location.

B. All persons licensed to do business under this title shall report to the division, on a form to be provided by the division, any change in business name from that designated in the original business license application within 30 calendar days after such change occurs and pay a \$10.00 administrative fee per license for such change.

[C. All corporations licensed to do business under this title shall report to the division on a form to be provided by the division, all changes in corporate officers who were designated in the original business license application, within 30 days after such change occurs.

D. For those businesses where the corporate officers or owners are required to be investigated and approved before the issuance of a license, no change in officers or owners shall be made effective until such time as the necessary applications are made to the division and all investigations and approvals are completed and received.]

(Ord. 2002, § 1 (part), 2000)

4.04.125 Changes in officers or membership of licensees—
Corporations—Limited Partnerships—Limited liability companies.

A. In the case of a corporate licensee, any and all changes in the officers and directors of such corporation shall be reported to the division within 30 calendar days of the appointment or election of such officers and directors. For privileged licensees, any new corporate officer(s) or director(s) shall be required to undergo a background investigation as required by this chapter, and if recommended by the division, shall be required to appear before the council for approval of any such change.

B. In the case of a limited partnership or limited liability company, any change in ownership of the partnership or limited liability company must be reported to the division within 30 calendar days of such change. For privileged licenses, any new partners, managers or members shall be required to undergo a background investigation as required by this chapter, and if recommended by the division, shall be required to appear before the council for approval of any such change.

4.04.130 Display of license.

A. **[It shall be a violation of the provisions of this title for a]** Any person having a license under the provisions of this title, and carrying on a business at a fixed place of business, **[to fail to]** must display the license in said place of business and to show it upon request.

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B. ~~It shall be a violation of the provisions of this title for a~~Any person who is not required to have a fixed place of business, and who was issued a license under the provisions of this title, ~~to fail to~~ must carry such license, or a photocopy thereof, either upon his person or in any vehicle or other conveyance which is used in such business and to show it upon request.

(Ord. 2002, § 1 (part), 2000)

4.04.140 License fee as debt.

The license fee imposed by this title shall be deemed a debt due the city, from and against any person who engages in any business for which a license is required, without first having paid such license fee and obtaining a license according to the terms and provision of this title, and such person shall be liable in civil action to the city in any court of competent jurisdiction for the recovery of the amount of license fee, or any portion thereof, including penalties imposed by this title, and for the cost of the suit.

(Ord. 2002, § 1 (part), 2000)

4.04.150 Denial, nonrenewal, suspension, limitation and revocation of licenses.

It is expressly declared that the provisions of this section are applicable to any license or permit issued or applied for, or pursuant to any chapter of this Code. Thus, the provisions of this section are in addition to any grounds for denial, nonrenewal, suspension, limitation and revocation set forth for specific businesses or trades in chapter 4.06, or any other chapters of this title.

A. Any license or permit application made pursuant to the provisions of this title may be denied for good cause by the division or by the council. Good cause for denial of a license or permit shall include, but not be limited to:

1. The license application is incomplete so as to not contain all information required by this title;

All license or investigation fees are not paid;

3. False, ~~or~~ fraudulent or misleading statements in the application for the license or permit;

4. Past f~~F~~ailure to obtain a license or permit as required by this title; and failure to comply~~iance~~ with the requirements of~~all~~ other city departments or divisions prior to engaging in business;

5. The applicant~~,~~ or any of its principals, do not qualify for, or have not obtained work card identification as may be required; does not beneficially own the premises for which the license is sought or does not have a lease thereon for the full period for which the license is to be used;

6. A finding by the division or by the council that said business will not

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comport with the peace, health, safety, convenience, good morals or the general welfare of the public;

7. Lack of **[fitness]** suitability of the applicant to engage in the particular occupation or business. For the purpose of this section, lack of **[fitness]** suitability shall be defined as that quality or character of the license applicant which tends to establish that the applicant will not perform the services to be provided under his license or permit in a reasonable manner to the public. Particular factors to be taken into consideration by the division or by the council in determining whether the applicant is **[unfit]** not suitable, are whether the applicant has a bad moral character has **[intemperate habits or]**a bad reputation for truth, honesty or integrity, or has a prior criminal conviction and/or a prior license denial, suspension, limitation or revocation, either locally or in another state or community, to the extent that it is possible that the acts which formed the basis of that conviction, denial, suspension, limitation or revocation may be committed by the applicant under the license or permit being applied for. In the event the applicant is a company, partnership, association, corporation, or other business entity, the division or the council may consider the **[fitness]** suitability of each of the applicant's owners, partners or directors;

8. False, fraudulent or misleading statements made to the city council;

9. For any other cause deemed by the city through its division or council to be a just or equitable reason.

B. Nonrenewal. The division may refuse to renew any business license or permit for any reason which would have justified a denial of the original application for a license or permit. Refusal to renew shall also include, but not be limited to, the following:

1. The conduct of the business in an unlawful~~[,]~~ or improper manner or [irregular] in a manner that exceeds the scope of the business license;

Failure to comply with all applicable city, county, state or federal laws;

3. Upon the recommendation of a department or division within the city because of noncompliance to city ordinances or business activities not in the best interest of the city;

4. The existence of unsanitary conditions at, near, or in the premises which causes or tends to create a public nuisance or which injuriously affects the public health, safety or general welfare;

5. Failure to truthfully disclose any of the information required by the division or the failure to make full disclosure of all the facts required by this Code;

6. The commission of, or permitting or causing the commission of any act

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in the operation of the business which act is made unlawful or is prohibited by any ordinance or statute of the city, county, state or federal government;

7. False, fraudulent or misleading statements made to the city council;

8. The licensee makes a material and intentional under-declaration of his gross revenue for any licensing period.

9. Any other cause that the city through its division or its council finds to be a just or equitable reason.

C. All business licenses issued under this title shall be subject to suspension, limitation or revocation ~~[by the council]~~for failure of such licensee, ~~[his]~~ its agents, ~~[servants]~~ or employees, while engaged in the conduct of business, to comply with any of the provisions of this Code. Without limiting the foregoing, and without being subject to the administrative hearing process set forth in chapter 4.06, the council may suspend a license if the licensee or ~~[his]~~ its agents or employees, violate[s] any subdivision of subsection A or B of this section. The council may, upon complaint, or upon its own motion, cause any licensee to appear before it at any time to show cause why the license of any licensee shall not be suspended, limited or revoked in accordance with this chapter~~[4.06 as applicable]~~.

(Ord. 2002, § 1 (part), 2000)

4.04.160 Reserved.

4.04.170 Reserved~~[Transitional license.~~

A. A transitional license may be issued. In the event the licensee of a business holding a privileged license voluntarily ceases operations, is contemplating or effecting a sale, lease, sublease or other business contract for the operation or management of such business which the director deems sufficient to require licensing.

However, a transitional license may only be issued if a management agreement has been entered into between the current licensee and the proposed or contemplated owners or managers. The management agreement shall require that the current licensee shall be responsible for the operations until such time as the new owners or managers become properly licensed.

B. A notarized or recorded copy of the management agreement must be submitted to the business license division prior to commencement of the management arrangement.

C. Failure to obtain and maintain the management agreement during the transition period shall require that the operation of the business or that part of the business that is privileged or requires a background investigation to cease until such time as the proposed or contemplated owners or managers become properly licensed.

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D. Nothing in this section shall be taken to mean that the issuance of a transitional license is prima facie evidence that a regular business license will in fact be issued after completion of all applicable licensing requirements. In the event that, upon completion of the background investigation, the applicant is found unsuitable for licensing, the license shall:

1. Revert to the licensee of record at the time of transition; or
2. Be governed by the appropriate section of this title; or
3. Immediately become void.

(Ord. 2002, § 1 (part), 2000)]

4.04.180 License, key employees.

[Any executive, employee, agent, officer or director of a business applying for, or in possession of, a privileged license, having the power to exercise a significant influence over decisions concerning any part of the operation of a license is a key employee.]

A. Whenever it is the judgment of the director, [or] the council, the chief of police or [its authorized representatives]a designee of the director or chief of police, that the public interest will be served by requiring an[y key] employee of the licensee to obtain a finding of suitability to hold key employee status, the division shall serve notice upon the licensee to make application for the finding of suitability for [licensing approval of]the key employee.[Such licensing shall be consistent with the licensing requirements and procedures for any applicant applying for a similar privileged license.]

B. Grounds for requiring a finding of suitability of a key employee which are deemed in the public interest include, but are not limited to, situations where the employee is new to the industry, to a particular business establishment, or to the position or the level of influence or responsibility which he holds, or when the division, for reasons concerning the employee's character, background, reputation or associations deems it in the public interest to require such finding of suitability.

C. The licensee shall, within 30 calendar days following receipt of the notice of determination to require a finding of suitability of any key employee, present the application [of the] for the key employee to the division, or provide documentary evidence to the director that such key employee is either no longer employed by the licensee or no longer employed in the position for which the finding of suitability is being required. Application, investigation, and payment of fees shall be made in accordance with requirements of the appropriate section of [this] title 4.

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D. Any person notified by the division to make application pursuant to this regulation, may request the **[council]** chief financial officer of the city to review the determination of that person's status within the licensee's organization anytime within ten days following the filing of a completed application as required by this regulation. In the event the **[council]** chief financial officer determines that the applicant is not a key employee, or that the public interest and policies of the **[council]** city do not require the approval of the key employee at that time, then the key employee applicant shall be allowed to withdraw his application and he may continue in his employment. In no event shall the request **[of the applicant]** for review, stay the obligation of the licensee to present the key employee's application within the 30-day period **[herein prescribed]**set forth in subsection C.

E. The licensee by whom the key employee is employed, **[shall]** may be subject to disciplinary action **[as set out in chapters 4.32 or 4.36.]** for employment of an employee in a key position after disapproval by the **[council]** director or chief financial officer, or for employment of an employee in a key position if said employee refuses to make application **[as a key employee]** when notified to do so as set forth.

F. **[Refusal of a key employee to make application for a finding of suitability, or his c]**Continued employment in a key position after disapproval by the [council] director or chief financial officer shall be a violation of the provisions of this title. [grounds for revocation of his work card.] Further, the individual may not apply for a new finding of suitability until the completion of a minimum of one year.

(Ord. 2002, § 1 (part), 2000)

4.04.190 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]**semiannual period and the associated license fees prorated on a monthly basis to transition a non-multi-jurisdictional license to a multi-jurisdictional license.

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

(Ord. No. 2953, § 2, 1-3-2012)

4.04.200 Enforcement authority.

A. It shall be the duty of the director, his officers, and all officials charged with the issuance of licenses, and/or those with police powers, and the city attorney as set forth in this title, to enforce the provisions of this title.

B. Such enforcement power shall include, but not be limited to, the power to issue citations, serve notices of correction, issue orders of suspension or limitation, prohibit unlawful business activities, prevent activities in contravention of the licensing ordinances, require findings of suitability, and all other duties relating to licensing enforcement as provided in this title. In addition, the business license officers shall have the authority to prepare, sign and serve misdemeanor citations pursuant to NRS C[c]hapter 171 to enforce the provisions of this title.

C. The director and his officers shall have the authority to issue a "red tag/stop work order." Said order shall direct the unlicensed person or the licensee, his officers, servants, or employees to cease and desist from the activity, or activities, so designated in the order. The "red tag/stop work order" shall be given by the director or his officers in writing, to the licensee, his agents, servants, or employees, clearly stating in writing, the violation(s) being committed. The city attorney may direct the issuance of a "red tag/stop work order."

D. Any violation of a "red tag/stop work order," in subsection C of this section, shall be deemed a separate violation of this title; and, a citation may be issued for each violation, for each and every day of continued violation.

E. The director, the business license officers and auditors shall have access to any business during normal business hours for any purpose related to license administration or enforcement. Any person who willfully hinders, delays, or obstructs any business license officer, compliance agent, or auditor in the discharge of his or her official powers or duties shall be in violation of this title and may be subject to the penalties set forth in section 4.04.230.

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F. When, in the course of enforcing the provisions of this title relative to emergency suspension or a "red tag/stop work order," the division shall have the authority to lock and seal the premises wherein or whereon the business is operating.

G. This section is supplemental to, and not exclusive of, enforcement duties imposed upon other officials regarding this title.

(Ord. 2883, 11-16-2010; Ord. 2002, § 1 (part), 2000)

4.04.205 Emergency actions.

In the event emergency actions on a business license or license holder are necessary, the following procedures will apply:

A. Emergency orders – Grounds. The director or the chief of police may issue an emergency order which suspends or conditions a license upon a determination that:

1. There has been a violation of the provisions of this title, title 8 or title 19; and

2. Such order is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare within the city.

B. Emergency orders – Content and effective date. Any emergency order issued shall:

1. Set forth the grounds upon which it is issued, including a statement of facts constituting the emergency which necessitates such order;

2. Be effective immediately upon the issuance and service thereof on the licensee or its representative or upon the licensed premises; and

3. Indicate the period of time for which it is effective, which shall be based upon the severity of the violation and the nature of the emergency as determined by the director or the chief of police.

C. Emergency orders – Appeal. A licensee who is affected by an emergency order may appeal the order by filing an appropriate action in the State of Nevada District Court to challenge or seek review of the order. Such action to appeal must be filed within ten days after the effective date of the emergency order, or the right to appeal is deemed waived. Nothing in this section shall be construed to limit any statutory right of the licensee to file an ordinary or emergency petition for extraordinary writ under NRS Chapter 34.

4.04.210 [Aggrieved parties] Appeal of license denial.

[A. Any person aggrieved by this title shall, by filing written notice to the city clerk within 30 calendar days of the action being questioned, appeal for relief to the council. It is the aggrieved party's burden to calendar and present

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any and all facts and/or mitigating circumstances to the next regularly scheduled meeting of the council. If the license in question has expired, is void, or a "red tag/stop work order" has been issued, there shall be no continued operation of the business prior to the appeal being acted upon by the council.] Except with respect to disciplinary action against a licensee that is initiated pursuant to section 4.04.205 and chapter 4.06, an applicant denied a license or permit by the director may appeal that decision within ten calendar days to the chief financial officer by filing written notice of appeal with the division. Unless the chief financial officer finds good cause for a delay of up to ten additional calendar days, the chief financial officer shall hear the appeal and render a decision within ten calendar days after receipt of the appeal. It is the appellant's burden to present the chief financial officer any and all facts and mitigating circumstances in support of the appeal.

(Ord. 2002, § 1 (part), 2000)

4.04.220 Reserved.

4.04.230 Penalty for violation of title.

Except where an alternative civil violation proceeding is commenced by the city under chapter 4.07, any[Any] person violating any of the provisions of this title shall be guilty of a misdemeanor; and, upon conviction thereof, shall be [punished as the law allows]subject to the misdemeanor penalties set forth in NRS 193.150. Whenever in this title any act is prohibited, or is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such title the doing of any act is required, or the failure to do any act is made or declared to be unlawful, or an offense or misdemeanor, the doing of any such prohibited act, or the failure to do any such required act, shall constitute a violation of this title and may also subject the license or permit issued to such person to be suspended, revoked, or cancelled. Every day of violation of this title constitutes a separate offense.

(Ord. 1112, 3-7-1989)

4.04.235 [Judicial review]Reserved.

[Procedures for judicial review of final decisions and order of the council are the same as those set forth in section 4.06.300.]

SECTION 2. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

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SECTION 3. All ordinances, or parts of ordinances, sections, subsections, 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 4. 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 October 9, 2015, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 6TH DAY OF OCTOBER, 2015.

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on September 15, 2015, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on October 6, 2015, 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 October 6, 2015, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor
 Councilmembers:
 Sam Bateman
 John F. Marz
 Debra March
 Gerri Schroder

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

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk