

ORDINANCE NO. 1671

AN ORDINANCE OF THE CITY OF BOULDER CITY AMENDING THE BOULDER CITY MUNICIPAL CODE TITLE 4, "BUSINESS REGULATIONS," CHAPTER 7, "SECONDHAND AND JUNK DEALERS," TO CLARIFY THE TYPES OF CONDUCT AND PERSONS EXEMPTED FROM THE PROVISIONS OF THE CHAPTER, AND OTHER MATTERS PROPERLY RELATED THERETO

THE CITY COUNCIL OF BOULDER CITY DO ORDAIN:

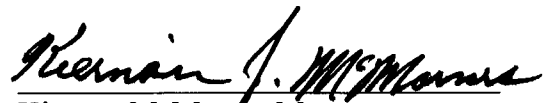
Section 1. Boulder City, Nevada, does by this Ordinance hereby amend Boulder City Municipal Code, an ordinance of the City of Boulder City amending the Boulder City Municipal Code Title 4, "Business Regulations," Chapter 1, "Business License," Chapter 7, "Secondhand and Junk Dealers," to clarify the types of conduct and persons exempted from the provisions of the Chapter, and other matters properly related thereto, as shown on **Exhibit A**.

Section 2. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 3. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on August 27, 2021 in the Las Vegas Review Journal, a daily newspaper published in Las Vegas, Nevada.

Section 4. EFFECTIVE. This Ordinance shall become effective the 16th day of September, 2021

DATED and APPROVED this 24th day of August, 2021.

  
Kiernan McManns, Mayor

ATTEST:

  
Tami McKay, City Clerk

Bill No. 1906  
Introduced by: Bridges


The foregoing Ordinance was first proposed and read by title to the City Council on the August 10, 2021, which was a regular meeting; thereafter, on August 24, 2021, a regular meeting was held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: McManus, Adams, Bridges, Fox, Jorgensen

VOTING NAY: None

ABSENT: None

DATED and APPROVED this 24th day of August, 2021.

  
Kiernan McManus, Mayor

ATTEST:

  
Tami McKay, City Clerk

## Exhibit A

### 4-7-1. PURPOSE.

Since secondhand and junk dealers, including auto salvage yards, have special characteristics which specially burden the Police Department, regulations in addition to the business license procedures stipulated in Chapter 1 of this Title are needed, and the stipulations hereinafter provided shall apply to all secondhand dealers, junk dealers and auto salvage yards.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

### 4-7-2. DEFINITIONS

- A. **Antique means a unique object of personal property that is not less than sixty years old and has special value primarily because of its age.**
- B. **Collectible means an object of personal property that has special value primarily because of its unique characteristics and the high level of demand for the object.**
- C. **Deal in junk or Junk Dealer means any person engaged in the business of purchasing, selling or trading hides, salvage or junk other than used books.**
- D. **Deal in secondhand goods or Secondhand Dealer means any person engaged in whole or in part in the business of buying, selling or trading metal junk, melted metal or secondhand personal property, other than antiques, used books, coins, and collectibles.**
- E. **Identifiable means secondhand personal property which bears a serial number or personalized initials or an inscription and includes secondhand personal property which, at the time it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized initials or an inscription.**
- F. **Junk means old iron, copper, brass, lead, zinc, tin, steel, and other metals, metallic cables, wires, ropes cordage, bottles, bagging, rubber, paper, and all other secondhand, used or castoff articles or material of any kind, but does not include scrap metal.**
- G. **Precious metal means gold, platinum, silver and their alloys.**

### [4-7-2] 4-7-3. LICENSE REQUIRED.

It shall be unlawful for any person to buy or sell or deal in secondhand goods or junk of any kind in the City without first obtaining a license so to do, under the terms and conditions hereinafter provided, and the carrying on of the aforesaid business, together with any other business for which a license is paid, or required to be paid, shall not exempt such person from paying a license fee as set by resolution of the City Council.

- A. **Antique Dealer Personally Exempted..** The provisions of this Chapter shall not apply to any antique dealer~~[-An]~~ **whom exclusively deals with antiques and collectibles. An** antique dealer ~~[is hereby defined to mean any person, firm or corporation other than a licensed pawnbroker or licensed]~~ engaging in the selling of secondhand ~~[dealer having a place in the City for purchasing, trading or dealing predominantly]~~ **property or metal junk must acquire** in ~~[antiques. "Antiques" are hereby defined generally as very old and authentic objects of enhanced value owing their increased worth and~~

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~~unique appeal mainly] addition to the [fortuity sale of] antique dealers license, a second hand dealers license, and the licensee must comply with the record keeping, resale time lapse, and reporting requirements set forth herein. [survival][B.—— Zoning Regulations. All secondhand dealers who handle or deal in secondhand motor vehicles or trailers for the purpose of dismantling, wrecking, disassembling and selling the dismantled, wrecked or disassembled parts or accessories shall be limited to an area which is zoned CM Commercial Manufacturing. Secondhand dealers who handle or deal in secondhand motor vehicles or trailers or parts or accessories thereof, and who do not dismantle, wreck or disassemble motor vehicles, or trailers, may be licensed in a C2 General Commercial or CM Commercial Manufacturing Zone.]~~

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

~~[4-7-3]~~ **4-7-4. EXEMPTIONS.**

**This Chapter does not apply to:**

- A. **Dealers of used vehicles as to those activities for which a license issued by the State Department of Motor Vehicles is required pursuant to NRS 482.322;**
- B. **The buying, selling or trading by a licensed business of used portable electronic devices or major home appliances, but only to the extent acquired by the business as a trade-in or credit upon a buyer's purchase of a new portable electronic device or major home appliance on a one for one basis;**
- C. **The taking in pawn or selling of unredeemed personal property by a licensed pawnbroker;**
- D. **The buying, selling or trading of used newspapers and periodicals;**
- E. **A person who engages in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms to the extent that the person has been issued a license as a manufacturer, importer, dealer or collector pursuant to the provisions of 18 U.S.C. § 923;**
- F. **The buying, selling or trading by a licensed business of used video games, videotapes, cassettes, digital video discs, compact discs or sound recordings which have been purchased (or received as trade-ins) from its retail customers, provided that credit only has been given as consideration for the purchase or trade-ins, which credit then can only be used by its retail customers for the rental or purchase of new or used items referenced in this Subsection at any of its licensed business premises;**
- G. **A convention or trade show not exceeding fourteen days in length, provided that convention or trade show exhibitors do not purchase secondhand or used personal property at the convention or trade show; or**
- H. **The buying, selling or trading of wearing apparel, general household furnishings, infant/child items, sporting equipment, musical instruments, or specified liquid waste.**
- I. **Individuals selling consignment at a properly licensed retail business with all sales being run through the licensed business and no items being purchased on the premises. For purposes of this section, "consignment" means any transaction whereby the individual owner of personal property authorizes a licensed retail business to sell the interests of the individual owner in the personal property.**

~~[4-7-3]~~ **4-7-5. APPLICATION AND FEE.**

Application for a license under this Chapter shall be made to the License Officer in accordance with the license procedure provided in Section 4-1-9 of this Title.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

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[4-7-4] **4-7-6. APPROVAL BY CHIEF OF POLICE.**

All applications for license under this Chapter shall be immediately referred to the Chief of Police, or acting Chief of Police, for his approval thereof, and in no case shall a license be issued where his disapproval thereof is endorsed thereon. The Chief, or acting Chief of Police, shall return all such petitions with his approval or rejection endorsed thereon to the License Officer for final action.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

[4-7-5] **4-7-7. PROHIBITED PURCHASES.**

- A. *Minors.* It shall be unlawful for any person whether acting for himself or as agent, servant or employee of any other person to purchase any of the goods, wares, merchandise or junk aforesaid from any minor, except with the written consent or direction of the parent or guardian of such minor.
- B. *Vehicles Without Manufacturer's Number.* No secondhand dealers shall deal in any motor vehicle, trailer, tire, motor vehicle accessory or part from or on which any of the manufacturer's numbers have been removed, obliterated, defaced or changed, and shall not himself remove any of such numbers.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

[4-7-6] **4-7-8. RECORD BOOK.**

It shall be unlawful for any such secondhand or junk dealer to fail to keep a substantial and well-bound book in which he shall enter in ink at the time of purchase or receipt, legibly in the English language:

- A. *Description.* A true and accurate description of every article or thing purchased or received by him (except **secondhand personal property exempt from the provisions of this Chapter pursuant to Section 4-7-4** [~~paper or rags~~]).

**In the case of watches, the description must contain the name of the maker and the number of the works or the case. In the case of jewelry, all letters and marks inscribed on the jewelry must be included in the description.**

- B. *Vendor Information.* The name, age, sex and residence of the vendor.

**C. Employee Information.** The name or other identification of the person or employee conducting the transaction.

[C]~~D.~~ *Amount Paid; Value.* The amount paid therefor, and estimated value thereof.

[D]~~E.~~ *Date, Hour Of Purchase.* The date and hour of purchase or receipt.

1. No entry made in such book shall be erased, obliterated or defaced.
2. The record and all goods received shall at all times during the ordinary hours of business be open to the inspection of the City Attorney, the Chief of Police or any officer directed by the Chief.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

[4-7-7] **4-7-9. DAILY REPORT.**

Every dealer in secondhand goods or junk in the City, including automobile wreckers buying or dealing in or selling secondhand automobile accessories such as old tires, batteries, fenders, radiators, engines or any other secondhand automobile parts, shall before the hour of ten o'clock (10:00) A.M. of each and every day, except

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Sunday, make and deliver to the Chief of Police a full, true and detailed report in writing, **via a City approved electronic system, or** on blank forms to be prepared and furnished by the Chief of Police, setting forth an exact description of each and every article, except **secondhand personal property exempt from the provisions of this Chapter pursuant to Section 4-7-4** [~~paper and rags~~], purchased or received by such dealer during the twenty four (24) hours immediately preceding such report, and also the name, residence and full description of the vendor thereof, the amount of money paid therefor, together with the date and hour of the receipt of such article or thing. The report so made on each Monday shall include all purchases made from and after the report made and delivered on the Saturday preceding; provided, however, that if no purchase or receipt has been made, the report must nevertheless be made to that effect.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

~~[4-7-8]~~ **4-7-10. RESALE TIME LAPSE.**

Every dealer in secondhand goods or junk [~~except furniture and carpets,~~] must keep without concealment for a period of fifteen (15) days, subject to inspection by any police officer, all **second hand personal property or junk except secondhand personal property exempt from the provisions of this Chapter pursuant to Section 4-7-4** [~~goods, wares and merchandise, except furniture and carpets, paper and rags,~~] purchased or received from any person, before selling, shipping or otherwise disposing of the same.

- A. **Individually Identifiable Second Hand Personal Property. Must be retained by secondhand dealers for thirty (30) days after the receipt thereof is reported or a record of the receipt of the property is furnished or mailed to the chief of police.**

~~[A— Furniture, Carpets. Furniture and carpets shall be kept for a period of three (3) days only.~~

~~B Paper, Rags. Paper and rags may be disposed of immediately.]~~

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

~~[4-7-9]~~ **4-7-11. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE.**

The License Officer, in the exercise of his discretion, may refuse to grant any license to any person, and may suspend any license granted hereunder, if in his judgment or discretion, it should appear that the applicant or licensee is not a proper person to operate said business or that the licensee has not properly and fairly conducted such business or has violated any of the provisions of the State or City law in such a way to be detrimental to the business in the City and prejudicial to the public welfare.

- A. Any suspension or revocation of a secondhand or junk dealer's license shall be made in accordance with the provisions of Section 4-1-23 of this Title.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

~~[4-7-10]~~ **4-7-12. PENALTIES.**

The penalties stipulated in Section 4-6-34 of this Title shall also apply to every secondhand and junk dealer, and every clerk, agent or employee and shall be cause for suspension or revocation of said secondhand and junk dealer's license.

( Ord. 576 , 5-11-1976, eff. 6-14-1976)

## NOTICE OF FILING

Notice is hereby given that the following proposed ordinance was introduced by the City Council at the August 10, 2021 City Council meeting, and that a copy of such ordinance was filed with the City Clerk on the 10th day of August, 2021 for public examination.

Bill No. 1906

Introduced by: Council Bridges

“Bill No. 1906 an ordinance of the City of Boulder City amending the Boulder City Municipal Code Title 4, “Business Regulations,” Chapter 7, “Secondhand and Junk Dealers,” to clarify the types of conduct and persons excepted from the provisions of the Chapter, and other matters properly related thereto”

Notice is hereby further given that action on the proposed ordinance, or the ordinance as amended, will be taken at a regular meeting of the City Council of Boulder City, Nevada, on the 24th day of August, 2021, at the Council Chambers, City Hall, Boulder City, Nevada

Dated this 10th day of August, 2021.

/s/Tami McKay

Tami McKay, City Clerk

Publish on August 13, 2021

**AFFIDAVIT OF PUBLICATION**

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

**CITY OF BOULDER CITY CLERK  
401 CALIFORNIA AVE  
BOULDER CITY NV 89005-2600**

**Account # 20713  
Ad Number 0001158296**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/13/2021 to 08/13/2021, on the following days:

**08 / 13 / 21**

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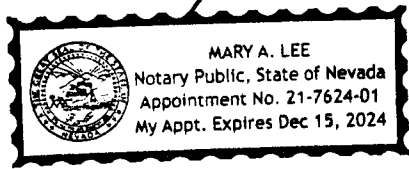
/s/Tami McKay  
Tami McKay, City Clerk

PUB: August 13, 2021  
LV Review-Journal

*[Handwritten Signature]*  
/s/ \_\_\_\_\_  
**LEGAL ADVERTISEMENT REPRESENTATIVE**

**Subscribed and sworn to before me on this 16th day of August, 2021**

Notary *[Handwritten Signature]*



## Exhibit A

### 4-7-1. PURPOSE.

Since secondhand and junk dealers, including auto salvage yards, have special characteristics which specially burden the Police Department, regulations in addition to the business license procedures stipulated in Chapter 1 of this Title are needed, and the stipulations hereinafter provided shall apply to all secondhand dealers, junk dealers and auto salvage yards.

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- E. Identifiable means secondhand personal property which bears a serial number or personalized initials or an inscription and includes secondhand personal property which, at the time it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized initials or an inscription.
- F. Junk means old iron, copper, brass, lead, zinc, tin, steel, and other metals, metallic cables, wires, ropes cordage, bottles, bagging, rubber, paper, and all other secondhand, used or castoff articles or material of any kind, but does not include scrap metal.
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- G. **A convention or trade show not exceeding fourteen days in length, provided that convention or trade show exhibitors do not purchase secondhand or used personal property at the convention or trade show; or**
- H. **The buying, selling or trading of wearing apparel, general household furnishings, infant/child items, sporting equipment, musical instruments, or specified liquid waste.**
- I. **Individuals selling consignment at a properly licensed retail business with all sales being run through the licensed business and no items being purchased on the premises. For purposes of this section, "consignment" means any transaction whereby the individual owner of personal property authorizes a licensed retail business to sell the interests of the individual owner in the personal property.**

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Application for a license under this Chapter shall be made to the License Officer in accordance with the license procedure provided in Section 4-1-9 of this Title.

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**C. Employee Information. The name or other identification of the person or employee conducting the transaction.**

[~~C~~]**D. Amount Paid; Value.** The amount paid therefor, and estimated value thereof.

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Sunday, make and deliver to the Chief of Police a full, true and detailed report in writing, via a City approved electronic system, or on blank forms to be prepared and furnished by the Chief of Police, setting forth an exact description of each and every article, except secondhand personal property exempt from the provisions of this Chapter pursuant to Section 4-7-4 ~~[paper and rags]~~, purchased or received by such dealer during the twenty four (24) hours immediately preceding such report, and also the name, residence and full description of the vendor thereof, the amount of money paid therefor, together with the date and hour of the receipt of such article or thing. The report so made on each Monday shall include all purchases made from and after the report made and delivered on the Saturday preceding; provided, however, that if no purchase or receipt has been made, the report must nevertheless be made to that effect.

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- A. **Individually Identifiable Second Hand Personal Property. Must be retained by secondhand dealers for thirty (30) days after the receipt thereof is reported or a record of the receipt of the property is furnished or mailed to the chief of police.**

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- A. Any suspension or revocation of a secondhand or junk dealer's license shall be made in accordance with the provisions of Section 4-1-23 of this Title.

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The penalties stipulated in Section 4-6-34 of this Title shall also apply to every secondhand and junk dealer, and every clerk, agent or employee and shall be cause for suspension or revocation of said secondhand and junk dealer's license.

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