

**Carson City
Agenda Report**

Date Submitted: August 23, 2011

Agenda Date Requested: September 1, 2011

Time Requested: 20 minutes

To: Mayor and Board of Supervisors

From: Business License Division

Subject Title: For possible action to adopt on second reading, Bill No.109, an ordinance amending the Carson City Municipal Code Title 4, Licenses and Business Regulations, Chapter 4.04, Business License by deleting Section 4.04.014, Off-Premise Sales, changing the name of Section 4.04.077 to Special Event permit, amending Section 4.04.005, Definitions by adding and expanding definitions, amending Section 4.04.020, Fees and Exemptions from fees to increase fees, and by amending Section 4.04.031, Square footage fees to increase fees, and by amending Section 4.04.040, Fees for employees by increasing fees, and by amending Section 4.04.075, Short-Term business license by changing the period of consecutive days a Short-Term license can be held, and by amending Section 4.04.077, changing the Special Event permit section by providing a more detailed application process and expanding the conditions and requirements of a Special Event permit to include the former Chapter 4.28 Assemblies into the Special Event permit section, and by amending Section 4.04.180, issuance of license or permit appeal to provide grounds for denial, and amending other Chapter 4.04 sections regarding matters properly related thereto. (Jennifer Pruitt/Lena Tripp)

Staff Summary: The proposed changes are to the current provisions of the Carson City Municipal Code governing the issuance and regulation of business licenses. Changes apply to amending Chapter 4.04 by deleting Section 4.04.014, adding and expanding definitions, increasing fees to the current rates being charged for a business license, changing the consecutive days a Short-Term license can be held, providing a more detailed application process and expanding conditions and requirements for a Special Event.

Type of Action Requested:

Resolution

Formal Action/Motion

Ordinance

Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to adopt on second reading, Bill No.109, an ordinance amending the Carson City Municipal Code Title 4, Licenses and Business Regulations, Chapter 4.04, Business License by deleting Section 4.04.014, Off-Premise Sales, changing the name of Section 4.04.077 to Special Event permit, amending Section 4.04.005, Definitions by adding and expanding definitions, amending Section 4.04.020, Fees and Exemptions from fees to increase fees, and by amending Section 4.04.031, Square footage fees to increase fees, and by amending Section 4.04.040, Fees for employees by increasing fees, and by amending Section 4.04.075, Short-Term business license by changing the period of consecutive days a Short-Term license can be held, and by

amending Section 4.04.077, changing the Special Event permit section by providing a more detailed application process and expanding the conditions and requirements of a Special Event permit to include the former Chapter 4.28 Assemblies into the Special Event permit section, and by amending Section 4.04.180, issuance of license or permit appeal to provide grounds for denial, and amending other Chapter 4.04 sections regarding matters properly related thereto.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take action on all code amendments.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 4.04

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer the matter back to the Business License Division for further review, or
2) Deny

Supporting Material: 1) CCMC 4.04 -- current ordinance
2) CCMC 4.04 -- as proposed
3) Memo stating changes

Prepared By: Lena Tripp, Senior Permit Technician

Reviewed By: 	Date: <u>8-23-11</u>
(Public Works Director)	
	Date: <u>8-23-11</u>
(City Manager)	
	Date: <u>8/23/11</u>
(District Attorney's Office)	
	Date: <u>8-22-11</u>
(Principal Planner)	
	Date: <u>8/23/11</u>
(Finance Director)	

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

ORDINANCE NO. _____

BILL NO. 109

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.04, BUSINESS LICENSE, BY DELETING SECTION 4.04.014, OFF-PREMISE SALES AND CHANGING THE NAME OF SECTION 4.04.077 TO SPECIAL EVENT PERMIT FROM SPECIAL EVENT SHORT-TERM PERMIT, AND BY AMENDING SECTION 4.04.005, DEFINITIONS BY ADDING AND EXPANDING DEFINITIONS, AND BY AMENDING SECTION 4.04.020, FEES AND EXEMPTIONS FROM FEES TO INCREASE FEES, AND BY AMENDING SECTION 4.04.031, SQUARE FOOTAGE FEES TO INCREASE FEES, AND BY AMENDING SECTION 4.04.040, FEES FOR EMPLOYEES BY INCREASING FEES, AND BY AMENDING SECTION 4.04.075, SHORT-TERM BUSINESS LICENSE BY CHANGING THE PERIOD OF CONSECUTIVE DAYS A SHORT-TERM LICENSE CAN BE HELD, AND BY AMENDING SECTION 4.04.077, CHANGING THE SPECIAL EVENT PERMIT SECTION BY PROVIDING A MORE DETAILED APPLICATION PROCESS AND EXPANDING THE CONDITIONS AND REQUIREMENTS OF A SPECIAL EVENT PERMIT TO INCLUDE THE FORMER CHAPTER 4.28 ASSEMBLIES INTO THE SPECIAL EVENT PERMIT SECTION, AND BY AMENDING SECTION 4.04.180, ISSUANCE OF LICENSE OR PERMIT APPEAL TO PROVIDE GROUNDS FOR DENIAL, AND AMENDING OTHER CHAPTER 4.04 SECTIONS REGARDING MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: Title 4, Chapter 4.04 of the Carson City Municipal Code is hereby amended as follows:

Chapters:

- 4.04.001 - Introduction and purpose.
- 4.04.005 - Definitions.
- 4.04.010 - Business license required.
- 4.04.011 - Exemptions from licenses.
- 4.04.012 - Branch establishments.
- 4.04.013 - License fee—Liens on property where located—Enforcement.
- ~~4.04.014—Off-premises sales.~~
- 4.04.015 - Reserved.
- 4.04.020 - Fees and exemptions from fees.
- 4.04.031 - Square footage fees.
- 4.04.040 - Fees for employees.
- 4.04.071 - Reasonable classification.
- 4.04.072 - Payment of fees and penalties.
- 4.04.074 - Renewal of license—Failure to pay fee.

- 4.04.075 - Short-term business license.
- 4.04.077 - Special event [~~short-term~~] permit.
- 4.04.090 - Other required licenses and permits.
- 4.04.107 - Public utilities.
- 4.04.110 - Application for license.
- 4.04.140 - Certain multiple businesses treated as one.
- 4.04.145 - Members of professional partnerships to be licensed individually.
- 4.04.150 - No assignment, transfer or changes.
- 4.04.160 - Sign or advertisement prima facie evidence.
- 4.04.175 - Additional license required authorizing pawnbrokers to accept motor vehicles as pledged property.
- 4.04.180 - Issuance or Denial of license or permit—Appeal.
- 4.04.190 - Possession of license and posting requirements.
- 4.04.200 - Modifications.
- 4.04.202 - Agents responsible for obtaining license.
- 4.04.207 - License fee a debt.
- 4.04.210 - Suspension, cancellation or revocation of licenses or permits.

Section II: Section 4.04.005 of the Carson City Municipal Code is hereby amended as follows:

4.04.005 - Definitions.

As used in this title, unless the context requires otherwise, the following words shall have the meaning as set forth in this chapter:

1. "Advertise" means to call attention to a product, service or business so as to promote sales. Business cards used as identification and invoices are not to be considered advertising.
2. "Billboards and off-premise signs" means all businesses that own billboards or off-premise signs (as defined in CCMC Title 18) for advertisement.
3. "Block Party" means an event in a residential neighborhood intended primarily for residents only, may not be advertised outside of the affected area, and that may involve a street closure.
- [3.]4. "Board" means the board of supervisors of Carson City.
- [4.]5. "Business" or "doing business" means, except as provided herein, all professions, trades, occupations and callings carried on for profit, and in addition includes labor unions, labor organizations and trade unions; however, "business" does not include the rental of three (3) or less residential units.
- [5.]6. "Commercial rentals" means any leased nonresidential office unit or units.
- [6.]7. "Contract office business" means a person doing business in Carson City without employees in Carson City by using the services of a shared resident office staff in Carson City.
- [7.]8. "Contractor" means a person required by the state of Nevada Contractors Board to have a license as a contractor, whether the person is a general or subcontractor.
9. "Event Organizer" means any person who conducts, manages, promotes, organizes, aids, or solicits attendance at a special event or block party with or without compensation.
- [8.]10. "Garage sale" means the occasional and casual sale of personal property open to the public and held on the seller's own residential premises and includes a "lawn sale," "yard sale,"

"attic sale," "rummage sale" and other similar sales.

[9.]11. "Hobby-Supplemental income business" means any activity conducted as a hobby, or to supplement one's income, if the gross income derived from such activity does not exceed three thousand five hundred dollars (\$3,500.00) per year.

[40.]12. "Home occupation business" means a person, excluding contractors conducting business out of a residence and whose business complies with the home occupation regulations of Title 18 of the CCMC.

[44.]13. "Independent contractor" means a person who contracts to do a piece of work according to his or her own methods and is subject to an employer's control only as to the final result of the work. Examples are, but not limited to: all real estate agents, insurance agents, stockbrokers, hairdressers, and shoe shiners. Employees of licensees are not independent contractors for the purposes of this chapter.

~~[12. "Off-premises sale" means a sale of goods or services held by a person licensed to make such sales but which is held in Carson City at a site other than the site specified on the person's business license.~~

[43.]14. "Out-of-town business" means a person, excluding a contractor, conducting business in Carson City without a physical address in Carson City.

[44.]15. "Person" means a corporation, association, syndicate, partnership, club, trust, independent contractor or natural person but does not include employees of businesses licensed under this chapter unless an employee is an owner of the business.

[45.]16. "Premises" means actual space of a particular business which would include surrounding sidewalks and designated parking.

[46.]17. "Professional" means one whose practice of a profession requires advanced education and a license from a state licensing agency, board, commission or court.

[47.]18. "Nonprofit organization" means all institutions, corporations, organizations or associations that are for charitable, eleemosynary or civic purposes and whose donations or receipts received are not used for the private gain of any person.

19. "Short-term" means conducting business in Carson City for a period of 60 days or less.

20. "Special Event" means any indoor or outdoor activity taking place on private or public property for a period up to five consecutive days which is open to the public whether or not a fee is charged for admission, entrance, or other participation and is not the primary licensed nature of the business and/or includes vendors. This term includes but is not limited to:

- Events which require the closure of one or more streets, right-of-ways, or portions thereof.
- Events involving entertainment, food, liquor, beverage, or merchandise for sale.
- Activities promoted as a festival, trade show, craft show, car show, motorcycle rally, concert, or parade.
- Any organized event conducted by a person(s) for a common or collective use/purpose or

benefit which reasonably requires the provision of city public safety services in response thereto or in support thereof.

[48:]21. "Vending businesses" means all businesses that provide coin operated machines or honor trays to the public or to another business.

Section III: Section 4.04.011 of the Carson City Municipal Code is hereby amended as follows:

4.04.011 - Exemptions from licenses.

1. ~~[No license is required for two]~~ Two (2) or fewer garage sales in any calendar year are permitted so long as ~~[the]~~ each garage sales ~~[de]~~ does not exceed three (3) days in duration.
2. No license is required for a person whose business is located or licensed outside Carson City and who is appearing before or conducting business directly with an agency, branch, department, board or commission of the state of Nevada in Carson City for work performed outside Carson City. This exemption applies to the following, without limitation thereto: attorneys practicing before the ~~[supreme court]~~ Supreme Court, paid and registered lobbyists present for a legislative session, and a contractor performing work outside Carson City who consults with a state agency in Carson City.
3. No license is required for a person who owns a commercial rental if the commercial rental is managed by a person who holds a Carson City business license as a property manager.
4. No license is required for a person who places their own personal items at a licensed pawn or consignment shop on a casual basis.
5. No license is required for an entertainment group or individual hired by a licensed establishment.
6. No license is required for a business located outside of Carson City that is hired by a licensed business or government agency for seminars or training of their employees.

Section IV: Section 4.14.014 of the Carson City Municipal Code is hereby deleted as follows:

~~**4.14.014 - Off-premises sales.**~~

~~A person must obtain a permit from development services to conduct an off-premises sale. No permit may be issued to conduct more than 3 off-premises sales in any calendar year. Every off-premises sale must meet CCMC Title 18 requirements.]~~

Section V: Section 4.04.020 of the Carson City Municipal Code is hereby amended as follows:

4.04.020 - Fees and exemptions from fees.

1. Upon application for a new business license, the applicant shall pay a nonrefundable \$25.00 application fee to cover the costs of the review and processing of the application.
2. Unless otherwise provided herein, the following nonrefundable periodic fees are imposed on the following kinds of business licenses:

Independent contractors	\$ 40.00 <u>42.60</u> per year
Out of town businesses	\$ 75.00 <u>79.90</u> per year
Contract office business	\$ 90.00 <u>95.90</u> per year
Home occupation business	\$ 60.00 <u>63.85</u> per year
Hobby-Supplemental income business	\$ 25.00 <u>26.60</u> per year
Contractors	\$ 56.00 <u>78.75</u> per year
All other business	\$ 60.00 <u>63.85</u> per year
Short-term business licenses	\$ 21.30 <u>22.70</u> per day or \$ 406.60 <u>113.50</u> per month
Special [short-term business-licenses] <u>Event Permit</u>	\$ 50.00 <u>53.25</u> per day plus \$ 2.00 <u>2.15</u> per [booth] <u>vendor</u> per day

3. Unless otherwise provided herein, the following fees are imposed on the following kinds of business licenses in addition to any other fees specified:

Commercial rentals (leased bldgs or suites)	\$ 0.50 <u>0.55</u> per thousand square foot, annually
Billboard and off-premises signs	\$ 400 <u>426.60</u> per year <u>per side</u>
Devices operated by coin, token or currency:	
Amusement devices ([video-games, pinball-machines, pool-tables, jukeboxes, etc.] <u>movie/game rental kiosks</u>)	\$ 12.30 <u>13.10</u> per device annually
Vending machines (food, candy, drinks, cigarettes, etc.)	\$ 5.80 <u>6.20</u> per machine annually
[<u>Snack trays (no-machines)</u>]	[\$ 2.70 per tray annually]
[<u>Other devices</u> -	[\$ 5.80 per device annually]

(photocopiers, etc.)]	
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4. In addition to the business license fee, apartments, storage units, RV parks, motels, hotels, trailer parks, promotional businesses and rental businesses (excluding commercial rentals which are charged annually by the square foot) shall be charged an additional \$~~[2.00]~~2.15 per rental unit per year.

5. Except as otherwise provided herein, no business license fee is imposed on any institution, corporation, organization or association organized for charitable, eleemosynary, or civic purposes. No part of any receipts received by any such institution, corporation, organization or association may be used for the private gain of any person except employees. Such a person shall pay \$~~[20.00]~~21.70 per day plus \$~~[2.00]~~2.15 per ~~[each]~~vendor per day for special ~~[short-term]~~ events.

6. The fee for on-going special events held in Carson City, held pursuant to all permits required by the CCMC, is \$~~[300.00]~~319.14 per 4 month period or any part thereof.

7. A person who holds a special ~~[short-term]~~ event within a permanent structure on the premises for which he or she holds a license is not subject to the \$~~[50.00]~~53.25 per day special ~~[short-term business license] event fee [or the \$21.30 per day short-term license fee]~~ but shall pay the \$~~[2.00]~~2.15 per day per ~~[each]~~vendor fee in addition to the full-year license.

Section VI: Section 4.04.031 of the Carson City Municipal Code is hereby amended as follows:

4.04.031 - Square footage fees.

The following additional fees shall be assessed on the total square footage of each business:

0 sq. ft. to 1999 sq. ft.	\$ [12.20] <u>13.00</u>
2000 sq. ft. to 2999 sq. ft.	[30.30] <u>32.25</u>
3000 sq. ft. to 4999 sq. ft.	[60.80] <u>64.70</u>
5000 sq. ft. to 7499 sq. ft.	[91.10] <u>96.90</u>
7500 sq. ft. to 9999 sq. ft.	[121.60] <u>129.45</u>
10,000 sq. ft. to 24,999 sq. ft.	[182.90] <u>194.65</u>
25,000 or more sq. ft.	[243.50] <u>259.20</u>

2. The fees imposed by this section do not apply to: contract office businesses, home occupation businesses, hobby-supplemental income businesses, short-term businesses, special ~~[short-term businesses]~~events, independent contractors, ~~[and]~~ out-of-town businesses, or contractors, unless the contractor has a commercial location with more than 1999 square feet.

Section VII: Section 4.04.040 of the Carson City Municipal Code is hereby amended as follows:

4.04.040 - Fees for employees.

1. The following additional fees shall be assessed based on the average number of full time equivalent employees who may reasonably be anticipated to be employed during the license period including the proprietor:

Up to and including the first 100 employees	\$ 5.80 <u>6.15</u> per employee
Over 100 employees	2.70 <u>2.85</u> per employee

2. For contractors the fees imposed pursuant to this section shall include only those who support the contracting business and does not include seasonal construction workers.

3. The fees imposed by this section do not apply to: contract office businesses, home occupation businesses with no employees, hobby-supplemental income businesses, short-term businesses, special ~~[short-term businesses]~~events, independent contractors and out-of-town businesses.

Section VIII: Section 4.04.071 of the Carson City Municipal Code is hereby amended as follows:

4.04.071 - Reasonable classification.

The ~~[development services director]~~Business License Division shall classify businesses not specifically defined into the class which most reasonably corresponds to the operation of the applicant or business.

Section IX: Section 4.04.072 of the Carson City Municipal Code is hereby amended as follows:

4.04.072 - Payment of fees and penalties.

1. All business license fees are delinquent if not paid on or before January 15th of each year. A 25 percent late penalty shall be added to the fees due if the fees are paid after the due date.

2. In addition to making use of the process described in CCMC 4.04.210 the ~~[development services director]~~Business License Division may administratively revoke the business license of any person who has not paid any required fees by the due date. The ~~[development services director]~~Business License Division shall revoke the licenses of all delinquent businesses 4 weeks after the due date. Any revocation ~~[may]~~ under this section may be appealed by the license holder to the board by submitting a written appeal to the ~~[development services director]~~Business License Division within 15 days of the date of the revocation. The ~~[development services director]~~Business License Division shall thereafter arrange for the appeal to be scheduled for a hearing at a public meeting of the board within 30 days of the filing of the appeal.

Section X: Section 4.04.074 of the Carson City Municipal Code is hereby amended as follows:

4.04.074 - Renewal of license—Failure to pay fee.

1. A business license may be renewed without the filing of ~~[a new application]~~an update form if all the information stated on the license at the time of the filing of the application remains unchanged.
2. Prior to the expiration of the license, the ~~[development services director]~~Business License Division shall notify all holders of a business license of the date upon which business license fees become due and the amount due for the next license period.
3. In order to obtain a new license a person whose license has been revoked, and who continues in business after the revocation, shall file ~~[a new application]~~an update form if the previous information has changed and pay any existing delinquency and penalty, plus a \$25.00 reinstatement fee.

Section XI: Section 4.04.075 of the Carson City Municipal Code is hereby amended as follows:

4.04.075 - Short-term business license.

1. A person seeking to do business in Carson City for a period ~~[not exceeding 30 consecutive days]~~of 60 consecutive days or less must apply for and obtain a short-term business license.
2. Application for a short-term business license must be made in writing on the form provided by the Carson City ~~[development services director]~~Business License Division prior to the period for which the license is being requested.
3. The city's ~~[b]~~Business ~~[l]~~License ~~[department]~~Division shall make available the application information to the appropriate city departments, including the ~~[f]~~Fire department, [sheriff and community development department], Planning Department, Health Department, and Environmental Control for approval or disapproval. Said departments may impose reasonable conditions upon the approval of a short-term business license to provide for the health, safety and welfare of the public.
4. ~~[If the sale of taxable merchandise is involved in the applicant's request for a short-term business license, the license may not be issued until the applicant first provides proof of application for a resale tax number from the Nevada State Department of Taxation.]~~

~~[5-]~~4.Any decision on the denial of a short-term business license may be appealed in accordance with the procedures set forth in this chapter.

Section XII: Section 4.04.077 of the Carson City Municipal Code is hereby amended as follows:

4.04.077 - Special ~~[e]~~Event ~~[short-term]~~ permit.

1. Any ~~[person]~~event organizer conducting a special event ~~[which involves exhibitor or operator booths at the event, may, as an alternative to having each operator or exhibitor obtain its own short-term business license pursuant to CCMC 4.04.075,]~~must obtain a special event ~~[short-term]~~ permit under this section. Under said permit the ~~[person conducting the special event]~~event organizer is responsible for ~~[obtaining insurance binders in an amount approved by the city risk manager in an~~

~~amount sufficient to protect the city and which insurance policy names Carson City as co-insured, collecting sales taxes, and responsible for the booths at the event.]~~ submitting the Special Event application packet, this package includes, but is not limited to:

a. The application made to the Business License Division by affidavit on forms supplied by the Business License Division that will include the following information:

- a. Business or organization name and phone number;
- b. Event organizer's name and phone number;
- c. Business and mailing address;
- d. The address of the place where the proposed event is to be conducted;
- e. The date(s) and hour(s) during which the event will be conducted;
- f. An estimate of the number of customers, spectators, participants, and other persons expected to attend the event for each day it is conducted;
- g. A complete description of the proposed event; and
- h. Verification of notice to all residents/tenants affected by the street closure.

b. List of vendors selling, dispensing, or serving food, liquor, selling products.

c. A detailed layout of the special event and explanation of the event organizer's plan to provide security and fire protection, water supply and facilities, food supply and facilities, sanitation facilities, medical facilities and services, vehicle parking spaces, vehicle access and on-site traffic control. The event organizer's plan shall also include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for cleanup of the premises and removal of rubbish after the event has concluded. The detailed layout will show the arrangement of the facilities including those for parking and egress/ingress. Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance and other emergency vehicles to transport patients or staff to appropriate on and off-site treatment facilities.

d. If the special event will be in any portion of Carson City's right-of-ways or on the sidewalk, the application must be accompanied by evidence of General Liability insurance coverage in the amount of \$1,000,000 per occurrence stating the specific special event date and naming the City of Carson City and its officers, employees and agents as additional insured.

2. Application for a special event [short-term] permit must be made in writing on a form provided by the Carson City [development services director] Business License Division at least [45] 30 working days prior to the date of the event to allow for proper processing time of the application. [The development services director may waive the 15-working day requirement for good cause.]

[b. The application shall include, but shall not be limited to, the names, addresses and contact phone numbers of the persons responsible for the event, the purpose of the event and a general outline of activities.]

3. Upon submission to the Carson City [development services director] Business License Division, the

special event may be approved, conditionally approved or denied as set forth above in this chapter. Any appeal shall be in accordance with this chapter.

4. Conditions and requirements may be imposed for the protection of health, safety, and property of local residents and persons attending special events in Carson City.

5. A special event permit may be denied for the following reasons:

- a. The event organizer fails to meet conditions imposed upon the current permit or failed to meet the conditions imposed upon a prior special event permit.
- b. The special event will be conducted at a location or in a manner not meeting the health, planning, fire, or building standards established by the Carson City Municipal Code or the laws of the state of Nevada.
- c. The event organizer or the agent for the event organizer knowingly makes a false, misleading, or fraudulent statement of material fact in the application for a special event permit.
- d. The event organizer fails to timely pay any current special event fees or Carson City cost and expenses reimbursement claim or fails to timely pay any previously permitted special event fees or cost and expenses reimbursement claim by Carson City.

6. The applicant(s) shall assume and reimburse Carson City for any and all costs and expenses determined by Carson City to be unusual or extraordinary and related to the special event for which the permit is sought, including but not limited to:

- a. The cost of providing, erecting, and moving barricades and/or signs;
- b. The cost of providing and moving garbage or waste receptacles;
- c. The cost of Carson City personnel who are required by Carson City to work overtime hours;
- d. The recovery of police officer costs for responding to large events when a police officer at the scene determines that there is a threat to the public peace, health, safety, or general welfare of the public. The police utilized during a response to control the threat to the public peace, health, safety, or general welfare of the public shall be deemed to be on special assignment over and above the services normally provided. The costs of such special assignment may include damages to Carson City property and/or injuries to Carson City personnel; and
- e. The necessity of cost recovery associated with providing fire or emergency medical protection for an event to protect the public health, safety, and welfare will be determined by the Fire Department.

7. All Carson City accounts including gaming licenses, liquor licenses, and business licenses must be in good standing in order to apply for and be issued a special event permit.

Section XIII: Section 4.04.090 of the Carson City Municipal Code is hereby amended as follows:

4.04.090 - Other required licenses and permits.

A person conducting or planning to conduct a business for which a federal or state, license or permit is required, shall produce or exhibit the same or affirm to the ~~[development services director]~~ Business License Division that the state license has or will be issued and has complied with applicable state laws and regulation affecting the business before any Carson City business license hereunder shall be issued.

Section XIV: Section 4.04.110 of the Carson City Municipal Code is hereby amended as follows:

4.04.110 - Application for license.

1. An application for a business license under this chapter shall be made by affidavit on forms supplied by the ~~[development services department]~~ Business License Division.

2. ~~[The application shall contain at a minimum the following information:]~~ Each application shall be filed with the Business License Division and include the following:

- a. The full name of the applicant;
- b. The name of the business;
- c. The phone number, street address and mailing address of the business;
- d. If the business is a partnership, the full name of each partner;
- e. If the business is a corporation, the ~~[state in which it is incorporated and the]~~ name(s) and address(es) of its ~~[resident agent in Nevada]~~ principal officer(s);
- f. Sufficient information to determine the nature of the business;
- g. The ~~[date on which]~~ month the business will commence; ~~[and]~~
- h. Sufficient information for the calculation of fees as provided in this chapter~~[-]~~;
- i. The nonrefundable application fee; and
- j. All nonrefundable fees, as required by this chapter.

2. The ~~[development services director]~~ Business License Division shall distribute copies of each application to the appropriate city departments for approval, conditional approval or disapproval. Said departments may impose reasonable conditions upon the approval as authorized by law. If an application is disapproved by any department, specific reasons for such disapproval shall be provided to the applicant in writing.

Section XV: Section 4.04.150 of the Carson City Municipal Code is hereby amended as follows:

4.04.150 - No assignment, transfer or changes.

1. No license or permit may be assigned or transferred to another person, or location, nor may a person other than one named in the license carry on the business specified.
2. A licensee or permittee shall file a new application for license, verified by affidavit, prior to change of any matter stated in the former application. If no additional inspection or investigation by [the] Carson [e]City is necessary, the licensee or permittee shall not be required to pay [another application] an update fee.

Section XVI: Section 4.04.180 of the Carson City Municipal Code is hereby amended as follows:

4.04.180 — Issuance or Denial of license or Permit—Appeal.

1. Upon receipt of the required reports from [the] Carson [e]City departments, the [development services director] Business License Division shall determine whether the license or permit will be issued. The [development services director] Business License Division may not issue a license or permit until all of the required reporting departments have approved the application. If the [development services director] Business License Division denies the application, the applicant may appeal to the board of supervisors as hereinafter provided.
2. Any application or renewal for a license or permit submitted to the Business License Division pursuant to this title may, in addition to any unsatisfied application condition or other basis for denial set forth in a specific section of the Carson City Municipal Code, be denied on any of the following grounds:
 - a. The Application or any other document is incomplete or contains false, misleading or fraudulent statements.
 - b. The applicant or any of its principals fails to satisfy any qualification or requirement imposed by this title, or other local, state or federal laws or regulations that pertains to the particular license or permit.
 - c. The applicant or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, permit or work card or permit when such applicant or principal knew or reasonably should have known that one was required.
 - d. The applicant or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, permit or work card or permit to the extent that such disciplinary action reflects upon the qualifications, acceptability or fitness of the applicant or principal to conduct such a business.
 - e. The applicant or any of its principals has been convicted of any crime that involves any local, state or federal law or regulation arising out of the operation of a similar business.
 - f. The applicant or any of its principals has been convicted of a crime as a result of having perpetrated deceptive practices or fraud upon the public, a business partner or shareholder, a subcontractor or a government entity within the last ten years.
 - g. The applicant or any of its principals suffer from a legal disability to conduct such business under state or federal laws.

- h. The premises on which the business is proposed to be conducted does not satisfy all local, state, or federal laws or regulations which relate to the activity that is to be licensed or permitted.
- i. The applicant or any of its principals is in default on any payment or obligation owed to Carson City.

23. A written notice of appeal from the denial of a license or permit may be filed with the [development services director] Business License Division not later than 10 business days after the applicant receives certified mail notice of the denial. Upon receipt of the notice of appeal, the [development services director] Business License Division shall schedule a hearing before the board of supervisors. Notice of the date, time and place of the hearing shall be served upon the applicant not later than 10 business days before the time specified of the hearing by delivering the notice to him or by certified mail to his last known address. The applicant must appear at the hearing, the board may sustain the [development services director's] Business License Division's decision or order that the license be issued. The decision by the board must be in writing or orally expressed in the official record of its public meeting and must include findings of fact.

Section XVII: Section 4.04.200 of the Carson City Municipal Code is hereby amended as follows:

4.04.200 - Modifications.

1. If any person claims that an inequitable or unjust license or permit fee has been levied hereunder, he may appeal the matter within 10 days to the board of supervisors. The board shall forthwith set the matter for hearing at a regularly scheduled meeting and shall cause notice of the time and place be given to the applicant, which time shall not be less than 5 days prior to the date of such hearing.

2. A modification or adjustment thereof may be made by the board, with or without amendment to this chapter or any section thereof, as the board may deem fit.

~~[3. When a business license is paid in advance and thereafter the business for any reason ceases to operate, the person paying for the license may apply for a refund. The development services director shall authorize the refund prorated on the remaining months of the license.]~~

Section XVIII: Section 4.04.210 of the Carson City Municipal Code is hereby amended as follows:

4.04.210 - Suspension, cancellation or revocation of licenses or permits.

1. Any license or permit issued pursuant to the provisions of this chapter, or any amendment thereof, for the conducting of business, may be suspended, canceled or revoked for good cause by the board of supervisors. Good cause for such suspension, cancellation or revocation shall include, but not be limited to:

- a. The existence of unsanitary conditions, noise, disturbance or other conditions at, near or in the premises which cause or tend to create a public nuisance or which injuriously affects the public health, safety or welfare;

b. The commission of, or permitting or causing the commission of, any act in the operation of the business which act is made unlawful or is prohibited by any ordinance, rule or law of Carson City, or state or federal government; [or]

c. Fraudulent practices or misrepresentations in the operation of the business, or concealment or misrepresentation in procuring this license[-];

d. Failure to maintain city accounts in good standing, include but are not limited to: gaming licenses, liquor licenses, personal property taxes and room tax[-]; or

e. Failure to comply with conditions of the business license.

2. Any license or permit issued pursuant to the provisions of this chapter may be suspended, canceled or revoked in the following manner:

a. The board may, on its own motion or initiative, or upon complaint of any person, institute proceedings to suspend, cancel or revoke a license or permit by mailing a complaint setting forth the alleged reason for such proceeding to the licensee or permittee at the last address of such license as shown by his application or by a supplemental application filed pursuant to the provisions thereof.

b. The licensee or permittee shall, within 10 days of the date of such mailing, file with the [city clerk] Business License Division a written answer to such complaint[-, under oath].

c. The board shall fix a day and time for a hearing at which the licensee will be given an opportunity to be heard.

d. If the licensee or permittee fails to file a written answer within the time required, or if the licensee or permittee fails to appear at the place and time designated for the hearing, the board may order the license or permit suspended, canceled or revoked.

e. Unless the board enters its order orally on the official record of its public meeting with findings of fact, t[he] board shall, within 15 days after the date of such hearing, enter its written order to suspend, cancel or revoke, or refuse to suspend, cancel or revoke, the license or permit. The licensee or permittee applicant- shall be allowed to operate until the- written order or the transcribed oral order attested to by the City Clerk is served personally, or by certified mail to the last known address, upon the licensee or permittee.

f. As an alternative to the procedure outline in the foregoing subsections, the board may, on its own initiative, or upon the complaint of any person, require the licensee or permittee to appear before the board at a time and place fixed by the board, to show cause, why his license or permittee should not be suspended, canceled or revoked. The hearing shall not be less than 5 days from the date of service upon the licensee or permittee of the order by mailing a copy of the order to him at his last known address or place of business, or by making personal service upon him thereof. The failure by the licensee or permittee to appear at the time and place designated by the board shall, in and of itself, constitute sufficient grounds for suspension, cancellation or revocation of the [licensee's]-license or permit.

g. There shall be no reopening or review of the proceedings whatever by the board except when it subsequently appears to the satisfaction of the board that the licensee's or permittee's failure to answer or appear was due to matter beyond his control, and not through negligence on

the part of the licensee or permitee.

h. In all proceedings under this title or any other provision of this code, the board shall have the right to subpoena the witnesses and documents, and all witnesses thus subpoenaed shall attend at the time and place appointed therein, and failure to attend at the time and place appointed in the subpoena may be regarded by the board as contempt thereof, and a finding by the board to such effect shall be duly reported to the sheriff for immediate disposition thereon, and shall constitute prima facie evidence of contempt in any trial of the offending witness in any municipal court of the city; the penalty for each such offense shall be a fine of not less than \$10.00 nor more than \$500.00, and shall be accompanied by incarceration of not less than 2 days nor more than 30 days.

3. In addition to the other remedies provided in this chapter, the Carson City district attorney's office is authorized to petition the district court for an injunction restraining any business from conducting business without a valid license or permit.

SECTION XIXI:

No other provisions of Title 4 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2011.

PROPOSED BY Supervisor _____

PASSED _____, 2011.

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2011.