

Hem# SB

**City of Carson City
Agenda Report**

Date Submitted: March 6, 2007

Agenda Date Requested: 3/15/2007

Time Requested: 5 mins

To: Board of Supervisors

From: Linda Ritter, City Manager

Subject Title: Action to adopt on second reading Bill No.106, an ordinance amending Chapter 4.04, Business Licenses, to move business license administration from the Carson City Treasurer to the Development Services Department, and other matters properly related thereto.

Staff Summary: As part of our effort to re-engineer and stream line processes throughout the City, staff has identified the transfer of the business license function from the Treasurer's Office to the Development Services Department as a positive move. Currently, applicants for business licenses are required to complete the application at the Treasurer's Office, then travel to Development Services in order to check for appropriate zoning. Moving the application process to Development Services will remove one step from the process. Effective March 5, business license applications will be received and processed at the Permit Center at the Northgate offices.

Type of Action Requested: (check one)
☐ Resolution ☒ Ordinance
☐ Formal Action/Motion ☐ Other (Specify)

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

Recommended Board Action: I move to adopt on second reading Bill No. 106, an ordinance amending Chapter 4.04, Business Licenses, to move business license administration from the Carson City Treasurer to the Development Services Department, and other matters properly related thereto.

Explanation for Recommended Board Action: This move will streamline our Business License process.

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

Fiscal Impact: n/a

Explanation of Impact: n/a

Funding Source: n/a

Alternatives: Do not approve. Leave the business license function with the Treasurer.

Supporting Material: Ordinance

Prepared By: Linda Ritter

Reviewed By:

(Department Head)

(City Manager)

(District Attorney)

Date:

Date:

Date:

3-6-07

3-6-07

Board Action Taken:

Motion:

1)

2)

Aye/Nay

(Vote Recorded By)

ORDINANCE NO. _____
BILL NO. 106

AN ORDINANCE AMENDING CHAPTER 4.04, BUSINESS LICENSES, TO MOVE BUSINESS LICENSE ADMINISTRATION FROM THE CARSON CITY TREASURER TO THE DEVELOPMENT SERVICES DEPARTMENT, AND OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do Ordain:

SECTION I:

That section 4.04.014 of the Carson City Municipal Code is hereby amended as follows:

4.04.014 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 three (3) off-premises sales in any calendar year. Every off-premises sale must meet CCMC Title 18 requirements.

SECTION II:

That section 4.04.071 of the Carson City Municipal Code is hereby amended as follows:

4.04.071 Reasonable classification.

The Development Services Director shall classify businesses not specifically defined into the class which most reasonably corresponds to the operation of the applicant or business.

SECTION III:

That 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 twenty-five percent (25%) 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 may administratively revoke the business license of any person who has not paid any required fees by the due date. The Development Services Director shall revoke the licenses of all delinquent businesses four (4) weeks after the due date. Any revocation may under this section be appealed by the license holder to the board by submitting a written appeal to the Development Services Director within fifteen (15) days of the date of the revocation. The Development Services Director shall thereafter arrange for the appeal to be scheduled for a hearing at a public meeting of the board within thirty (30) days of the filing of the appeal.

SECTION IV:

That 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 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 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 and pay any existing delinquency and penalty, plus a twenty-five dollar (\$25.00) reinstatement fee.

SECTION V:

That 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 thirty (30) consecutive days 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 prior to the period for which the license is being requested.
3. The city's business license department shall make available the application information to the appropriate city departments, including the fire department, sheriff and community development department, 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. 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 VI:

That section 4.04.077 of the Carson City Municipal Code is hereby amended as follows:

4.04.077 Special event short-term permit.

1. Any person 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, obtain a special event short-term permit under this section. Under said permit the person conducting the special event 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.

2. a. Application for a special event short-term permit must be made in writing on a form provided by the Carson City Development Services Director at least fifteen (15) working days prior to the date of the event. The Development Services Director may waive the fifteen (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.

Upon submission to the Carson City Development Services Director, 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.

SECTION VII:

That 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 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 VIII:

That 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. The application shall contain at a minimum the following information:
 - 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 and address of its resident agent in Nevada;
 - f. Sufficient information to determine the nature of the business;
 - g. The date on which the business will commence; and
 - h. Sufficient information for the calculation of fees as provided in this chapter.

2. The Development Services Director 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 IX:

That section 4.04.140 of the Carson City Municipal Code is hereby amended as follows:

4.04.140 Certain multiple businesses treated as one.

1. Except as provided for in subsection 3, no more than one license fee may be collected from any single individual, partnership or corporation conducting one or more businesses in the same building and under the same business name. Such license fee shall be the highest fee calculated for any one of such businesses.
2. The Development Services Director shall endorse upon license issued for a multiple business, as herein set forth, each specific business, occupation or profession engaged in by the licensee.
3. Liquor, gaming and vehicle pawn license fees shall, however, be required in addition to any other licenses and fees required.
4. Multiple business licenses and fees will be required where multiple businesses are operated within a single building, but owned by separate entities.

SECTION X:

That section 4.04.180 of the Carson City Municipal Code is hereby amended as follows:

4.04.180 Issuance of license-Appeal.

1. Upon receipt of the required reports from the city departments, the Development Services Director shall determine whether the license will be issued. The Development Services Director may not issue a license until all of the required reporting departments have approved the application. If the Development Services Director denies the application, the applicant may appeal to the board of supervisors as hereinafter provided.
2. A written notice of appeal from the denial of a license may be filed with the Development Services Director not later than ten (10) business days after the applicant receives certified mail notice of the denial. Upon receipt of the notice of appeal, the Development Services Director 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 ten (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 decision or order that the license be issued. The decision by the board must be in writing and must include findings of fact.

SECTION XI:

That 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 fee has been levied hereunder, he may appeal the matter within ten (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 five (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 XII:

That section 4.04.210 of the Carson City Municipal Code is hereby amended as follows:

4.04.210 Suspension, cancellation or revocation of licenses.

1. Any license 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: personal property taxes and room tax.
2. Any license 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 by mailing a complaint setting forth the alleged reason for such proceeding to the licensee 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 shall, within ten (10) days of the date of such mailing, file with the city clerk 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 fails to file a written answer within the time required, or if the licensee fails to appear at the place and time designated for the hearing, the board may order the license suspended, canceled or revoked.
 - e. The board shall, within fifteen (15) days after the date of such hearing, enter its order to suspend, cancel or revoke, or refuse to suspend, cancel or revoke, the license. The applicant shall be allowed to operate until the order is entered with the Development Services Department.
 - 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 to appear before the board at a time and place fixed by the board, to show cause, why his license should not be suspended, canceled or revoked. The hearing shall not be less than five days from the date of service upon the licensee 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 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.
 - 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 failure to answer or appear was due to matter beyond his control, and not through negligence on the part of the licensee.
 - 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 ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), and shall be accompanied by incarceration of not less than two (2) days nor more than thirty (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 form conducting business without a valid license.

SECTION XIII:

That no other sections of Title 4 of the Carson City Municipal Code are affected by this ordinance.

Proposed on _____ (month) _____ (day) 2007.

Proposed by Supervisor _____

Passed _____ (month) _____ (day) 2007.

Vote:

Ayes:

Supervisors

Nays:

Supervisors

Absent:

Supervisors

Attest:

Alan Glover, Clerk/Recorder

Marv Teixeira, Mayor

This ordinance shall be in force and effect from and after the ____ day of the month of _____ of the year 2007.