

1 **BILL NO. 2006-14**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE EXEMPTING ADDITIONAL COMMERCIAL BUSINESS ACTIVITIES FROM
4 SECONDHAND DEALER LICENSING REQUIREMENTS, AND TO PROVIDE FOR OTHER
RELATED MATTERS.

5 Sponsored by: Councilwoman Lois Tarkanian

Summary: Exempts retail business licensees from secondhand dealer licensing requirements when they are buying, selling or trading used compact discs, digital video discs, video games, videotapes, cassettes or sound recordings which were purchased (or received as trade-ins) from their retail customers, provided that such transactions resulted in the retail customers only receiving credit toward their purchase or rent of new or used items of the same kind from the licensees.

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11 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
12 AS FOLLOWS:

13 SECTION 1: Title 6, Chapter 74, Section 40, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.74.040:** This Chapter does not apply to:

16 (A) Dealers of used vehicles as to those activities permitted by a license issued by
17 the State Department of Motor Vehicles pursuant to NRS 482.322 but not as to those activities
18 referred to in Section 6.74.060;

19 (B) The buying, selling or trading by a licensed business of used articles which were
20 acquired as a trade-in or a credit upon the purchase of a new article of the same kind on a one-for-one
21 basis;

22 (C) The taking in pawn or the selling of unredeemed personal property by a licensed
23 pawnbroker pursuant to Chapter 6.60;

24 (D) The buying, selling or trading of used books, newspapers and periodicals;

25 (E) The buying, selling or trading of coins which are not a part of any jewelry;

26 (F) The buying, selling or trading by a licensed retail business of used video games,
27 videotapes, cassettes, digital video discs, compact discs or sound recordings which have been
28 purchased (or received as trade-ins) from its retail customers, provided that credit only has been given

1 as consideration for the purchases or trade-ins, which credit then can only be used by its retail
2 customers for the rental or purchase of new or used items referenced in this Subsection at any of its
3 licensed business premises.

4 [(F)] (G) A convention or trade show not exceeding fourteen days in length, provided that
5 convention or trade show exhibitors do not purchase secondhand or used personal property at the
6 convention or trade show; or

7 [(G)] (H) A person selling used or personal property under the umbrella of another
8 licensee's gift and novelty or Class IV secondhand dealer license, provided the sales are made at the
9 main business premises of the gift and novelty or Class IV secondhand dealer licensee and the person
10 does not purchase used or personal property at the main business premises of the licensee.

11 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
12 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
13 ineffective by any court of competent jurisdiction; such decision shall not affect the validity or
14 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
15 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
16 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
17 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
18 invalid or ineffective.

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SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2006.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Jerry G. Bettis 2-15-06
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2006, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2006, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

**BUSINESS IMPACT STATEMENT
BILL NO. 2006-14**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-14 that will permit licensed retail merchants, without first being licensed as secondhand dealers, to buy, sell or take as trade-in used compact discs, digital video discs, video games, videotapes, cassettes or sound recordings from their retail customers provided that such transactions resulted in the retail customers only receiving credit toward their purchase or rent of new or used items of the same kind from the licensed retain merchants.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Possible economic impact on existing secondhand dealer licensees.

Beneficial effects:

Businesses will be able to purchase or take as trade-in used compact discs, digital video discs, video games, videotapes, cassettes or sound recording for purposes of resale or rent, without first being licensed as secondhand dealers.

Direct effects:

The customer base is likely to grow since the exemption provided will allow the business to accept merchandise from its customers for credit only to be utilized by the customer for the rental or purchase of used or new merchandise as described in the bill.

Indirect effects:

Not applicable

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: 2-15-06