

2013 BUSINESS LICENSE REVISION

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SPARKS MUNICIPAL CODE BY REVISING PROVISIONS RELATING TO BUSINESS LICENSES; CLARIFYING AND STRENGTHENING NUMEROUS PROVISIONS REGARDING BUSINESS LICENSES, INCLUDING: APPLICATIONS; DENIALS, AUDITS, INSPECTIONS, DELINQUENCIES, PENALTIES, EXPIRATION, SUSPENSION, REVOCATION AND CRIMINAL PROSECUTION; REQUIRING CERTAIN TAX-EXEMPT ACTIVITIES TO OBTAIN A LICENSE (AT NO COST); AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the business license provisions of the Sparks Municipal Code lack adequate detail and require considerable interpretation; and

WHEREAS; multiple interpretations of existing language may result in inconsistent application of that language and difficulty in enforcement of the business license code; and

WHEREAS, it is prudent to clarify ambiguous language, particularly language which presents constitutional questions, in order to enforce the business license code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 1.04.010: "Definitions" is hereby amended as follows:

Section 1.04.010 - Definitions.

A. The following words, terms and phrases, whenever used in this code, shall have the meaning ascribed to them in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined for such words, terms or phrases.

1. "Charter" means Chapter 180, Statutes of Nevada 1949, as amended by the Legislature of the State of Nevada, entitled "An ACT to incorporate the City of Sparks, in Washoe County, and defining the boundaries thereof, and to authorize the establishing of a city government therefore, and other matters relating thereto, and repealing all acts and parts of acts in conflict herewith."
2. "City" means the City of Sparks, Nevada, or the area within the territorial limits of the City of Sparks, Nevada, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
3. "Council" means the city council of the City of Sparks, Nevada. "All its members", "all councilmen" or "all councilpersons" means the total number of persons comprising the council as provided by the general laws of the State of Nevada.
4. "County" means the County of Washoe, Nevada.
5. "Law" denotes applicable federal law, the Nevada Constitution, NRS and statutes of the State of Nevada, the NAC, the SMC and ordinances of the City of Sparks, and any and all other rules and regulations which may be promulgated under such laws.
6. "Month" means a calendar month.
7. "NAC" means Nevada Administrative Code.
8. "NRS" means Nevada Revised Statutes.
9. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases "swear" and "sworn" shall be equivalent to "affirm" and "affirmed."
10. "Ordinance" means a law of the city; provided that a temporary or special law, administrative

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action, order or directive may be in the form of a resolution.

11. "Owner" applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
 12. "Person" means natural person, *any form of business or social organization and any other nongovernmental legal entity, including but not limited to a joint venture, joint stock company, partnership, association, club, company, limited liability company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.*
 13. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
 14. "Property" includes real and personal property.
 15. "Real property" includes lands, tenements and hereditaments.
 16. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
 17. "SMC" means Sparks Municipal Code.
 18. "State" means the State of Nevada.
 19. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
 20. "Tenant" and "occupant," as applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
 21. Title of Officer. Use of the title of any officer, employee, *department*, board or commission means that officer, employee, department, board or commission of the city.
 22. "Written" includes printed, typewritten, mimeographed, photocopied or digitally copied.
 23. "Year" means a calendar year.
- (Ord. 923 § 1, 1973: 1962 Code § 1.010.) (Ord. 2102, Amended, 05/29/2001)

Section 2. Section 2.27.050: "Certain city inspectors and officers authorized to issue citations within their field of enforcement" is hereby added as follows:

Section 2.27.050 - Certain city inspectors and officers authorized to issue citations within their field of enforcement.

- A. *The City Council hereby designates and authorizes every fire, solid waste management, building and housing inspector and every licensing and zoning enforcement officer and environmental control officer employed by the city to prepare, sign and serve written citations within the field of enforcement in which the employee works. The citation may allege one or more violations of the Sparks Municipal Code.*
- B. *If the person receiving a citation described in subsection A refuses to sign a promise to appear in court, the inspector or officer shall not attempt to arrest the person, but shall contact the city police department and have a police officer determine whether to issue a citation or arrest the person.*
- C. *The designation and authorization contained in this section is made pursuant to NRS 171.17751.*

Section 3. Section 5.04.025 "Chief license officer" is hereby added as follows:

Section 5.04.025 - Chief license officer.

"Chief license officer" means the director of the department of finance of the City of Sparks.

Section 4. Section 5.04.030: "Gross receipts" is hereby amended as follows:

Section 5.04.030 - Gross receipts.

"Gross receipts" means the total amount of the sales price of all sales within the city limits and total

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charged or received for the performance of any act or service of whatever nature it may be within the city limits for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, services, or merchandise, and the total amount of the sales price of all sales outside the city limits where delivery is made by the seller within the city limits. Included in the term "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of *goods sold, costs of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever.* *The following are* Excluded from the term "gross receipts:" ~~shall be:~~

- A. Cash discounts allowed and taken on sales;
- B. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
- C. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
- D. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded in cash or by credit; and
- E. That portion of the receipts of a general contractor which represent payments to subcontractors; provided that the subcontractors are licensed under this title and provided that the general contractor furnishes the chief license officer with the names and addresses of the subcontractors and the amounts paid each subcontractor.

(Ord. 792 § 1 (part), 1970: Ord. 790 § 1 (part), 1970: Ord 747 § 1 (part), 1969: Ord. 710 § 2 (part), 1968: 1962 Code § 105.001(2).)

Section 5. Section 5.04.040: "Persons" is hereby amended as follows:

Section 5.04.040 - Persons.

"Persons" *has the meaning ascribed to it in SMC 1.04.010, and includes all, without limitation, a corporations, limited liability company, associations, syndicates, partnerships, clubs, trusts or individuals. transacting and carrying on any business, profession or occupation in the city other than as an employee.*

(Ord. 792 § 1 (part), 1970: Ord. 790 § 1 (part), 1970: Ord 747 § 1 (part), 1969: Ord. 710 § 2 (part), 1968: 1962 Code § 105.001(3).)

Section 6. Section 5.08.020: "Business license required" is hereby amended as follows:

Section 5.08.020 - Business license required; Exceptions.

- A. ~~It is unlawful for~~ *Except as exempted by the provisions of this title, any person to who* transacts or conducts any business in the city ~~without shall first having obtained a business license from the city to do so authorizing that business and without shall complying with all applicable provisions of this title and paying the fee therefore.~~
- B. The sale of First Amendment "expressive merchandise" by its proponent in public areas pursuant to Chapter 12.26 of the SMC is hereby deemed non-commercial in nature and does not constitute transacting or conducting business in the city.
- C. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with the United States Constitution, applicable statutes of the United States, Nevada Constitution or statutes of the state; provided, however, that it shall be a burden upon the person claiming exemption from this title to prove, in writing, that they are so exempt.

(Ord. 710 § 4, 1968: 1962 Code § 105.006.) (Ord. 2415, Amended, 10/27/2008; Ord. 2340, Amended, 09/25/2006)

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Section 7. Section 5.08.030: "Exempt licenses" is hereby amended as follows:

Section 5.08.030 - Exempt licenses Activities exempt from license requirement.

The following activities are not "business" requiring a business license under this title:

- A. Activities conducted by, or for the exclusive benefit of, organizations that are certified as tax-exempt entities pursuant to 26 U.S.C. §501(c)(3), including but not limited to organizations operated for religious, charitable, scientific, literary, educational or fraternal purposes. To obtain exemption pursuant to this section, a tax-exempt entity must provide a current copy of its Letter of Determination from the Internal Revenue Service. The exemption from the requirement to obtain a business license does not relieve a tax-exempt entity from the obligation to obtain a tax-exempt activity license or payment of any applicable fee for fire, building or hazardous materials inspections by a department of the city.*
- B. ~~Unless otherwise required by law, no license is required and no fee shall be imposed or payable by any institution, corporation, organization or association organized for charitable, eleemosynary or civic purposes, or~~ Personal care activities of any persons independently engaged as a personal care assistants as defined by Medicaid. ~~and no part of any receipts received by any such institution, corporation, organization or association may be used for the private gain of any person.~~*
- C. Activities of any federal or Nevada governmental or quasi-governmental entity acting in its governmental capacity.*
- D. Wages earned as an employee.*

(Ord. 710 § 5, 1968; 1962 Code § 105.009.) (Ord. 2251, Amended, 11/22/2004)

Section 8. Section 5.08.033 "Tax-exempt activity license; no fee for license; certain tax-exempt activities subject to fees for city inspections" is hereby added as follows:

Section 5.08.033 - Tax-exempt activity license; no fee for license; certain tax-exempt activities subject to fees for city inspections.

- A. A tax-exempt entity pursuant to 26 U.S.C. § 501(c)(3) which is entitled to an exemption from the requirement for a business license pursuant to SMC 5.08.030 shall obtain a tax-exempt activity license. There is no fee for such a license.*
- B. A tax-exempt entity may exercise any and all activities related to its tax-exempt status before it applies for a tax-exempt activity license and during the period of time commencing with the filing of an application for a license and concluding with the issuance of a tax-exempt activity license.*
- C. Every entity required to procure a tax-exempt activity license shall submit an application to the chief license officer of the city. Except as otherwise provided in this section, the application and approval process for such a license is the same as for a business license.*
- D. A tax-exempt entity is subject to fire, building and hazardous material inspections as part of the licensing approval and renewal process if any of the following applies to the applicant:*
 - 1. The applicant owns, leases or rents a building or structure in which it conducts tax-exempt activities and that building or structure has not been inspected by all applicable departments of the city within 3 years prior to the date the application is filed. This paragraph does not apply to any building or structure which is completely and permanently occupied for residential purposes.*
 - 2. All or a portion of a building or structure is donated for the permanent or temporary use of the tax-exempt entity and the donated area has not been inspected by all applicable departments of the city within 3 years prior to the date the application is filed. This paragraph does not apply to any building or structure which is completely and permanently occupied for residential purposes.*

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- E. A tax-exempt entity shall pay to the city the total of all fees for fire, building and hazardous materials inspections required in subsection D. The payment of such fees is a condition precedent to the issuance or renewal of a tax-exempt activity license.*
- F. The provisions of this title relating to business licenses, to the extent applicable and not contrary to this section, apply to the denial, renewal, suspension and revocation of a tax-exempt activity license.*

Section 9. Section 5.08.035: "Licenses. Valid only at location shown on license; adding or changing location requires a new license; Exception - transferring existing license to previously-approved location." is hereby added as follows:

Section 5.08.035 - Licenses. Valid only at location shown on license; adding or changing location requires a new license; Exception - transferring existing license to previously-approved location.

- A. A license issued pursuant to this title is valid only at the location stated on the license.*
- B. Except as provided in subsection C, a person may not change the location stated on the license or add a new location to an existing license. A new license is required for each new location and must be obtained in the manner provided for an initial license.*
- C. If a license is issued authorizing a person to transact business at a particular location, the licensee may, upon application for a transfer and payment of a fee of \$5, have the license amended to transfer the transacting of the business under the same license to some other location, so long as that new location has been approved for transacting such business within 1 year prior to the filing of the application for transfer.*
- D. If a license is transferred to a new location, the licensee shall not operate the business at the former location.*

Section 10. Section 5.08.045: "Cease and Desist Orders" is hereby added as follows:

Section 5.08.045 - Cease and Desist Orders.

- A. The chief license officer or his designee may issue a Cease and Desist Order to any person who is transacting or conducting business in violation of SMC 5.08.050.*
- B. A Cease and Desist Order issued pursuant to subsection A may be personally served on any owner, licensee, agent or employee of the business, either at the location of the business or at any other location in the city.*
- C. A Cease and Desist Order may:*
 - 1. Inform the recipient that the business is in violation of Sparks Municipal Code because it is being conducted without a valid business license or after a valid business license has expired.*
 - 2. Warn the recipient that each violation is a misdemeanor crime, punishable by a fine up to \$1,000 and imprisonment up to 6 months in jail, or both, and further warn the recipient that each day that the business is conducted illegally is a separate violation which can result in the fine increasing by \$1,000 for every day the business continues to operate, plus an increased jail sentence.*
 - 3. Attach a copy of SMC 5.08.050.*
- D. Any costs incurred by the city for personal service of a Cease and Desist Order pursuant to this section shall be added to the business license fees and penalties and must be paid prior to issuance or renewal of a license.*

Section 11. Section 5.08.047: "Duties of licensees" is hereby added as follows:

Section 5.08.047 - Duties of licensees.

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Every licensee under this title shall:

- A. Comply with governing law. Ascertain and comply at all times with all laws and regulations applicable to such licensed business, including but not limited to, any changes in the Sparks Municipal Code that may be imposed after the issuance of a license.*
- B. Operate properly. Avoid all prohibited practices or conditions which do or may affect the public health, safety, morals or welfare.*
- C. Supervise employees. Be responsible for the conduct of all employees or agents thereof if such conduct would violate the law if engaged in by the licensee.*
- D. Display license. Display all licenses issued pursuant to this title in a conspicuous place at the licensed business. Every person having a license and not having a fixed place of business shall carry such license with him at all times while carrying on the business for which the license was issued and shall exhibit the license whenever requested by any authorized person.*
- E. Maintain records. Be responsible for maintaining the records of the business and shall:*
 - 1. Keep such records as may be necessary to determine the amount of business license fees, or any other records required by this title.*
 - 2. Preserve such records for not less than 4 years or until any proceedings under the Sparks Municipal Code pertaining to the business are finally concluded, whichever is longer; and*
 - 3. Make the records available for inspection by the city upon demand at reasonable times.*
- F. Permit inspection or audit. Permit reasonable inspections of the business and examination of its books by the city and all authorized persons.*
- G. Notify of changes. Assure that a current and correct name, business address, business phone number, residence address, residence phone number and mailing address for each owner or principal of the business are on file with the city. Whenever a business address changes, the licensee must notify the city license office a minimum of 3 days prior to the date the new business location will be used to conduct business. Whenever either the name, residence address or phone number provided by a licensee on his license application changes, the licensee shall notify the city in writing within 15 days of such a change and provide the city with the new name, address or phone number.*
- H. Cease business. Refrain from operating the licensed business if the license has expired or is revoked or suspended.*

Section 12. Section 5.08.050: "Illegal acts" is hereby amended as follows:

Section 5.08.050 - Illegal acts to do business without a business license or with an expired business license; each day of violation constitutes a separate offense.

- A. It is unlawful for any person to:*
 - 1. Commence, advertise, transact, conduct or engage in any business in the city without a valid, unexpired license issued pursuant to this title;*
 - 2. Commence, advertise, conduct or engage in any business in the city if the business license for that business has expired; or*
 - 3. Cause, encourage, allow or permit another on that person's behalf to commence, advertise, transact, conduct or engage in any business in the city without a valid, unexpired license issued pursuant to this title; or*
 - 4. Commence, advertise, transact, conduct, manage or carry on any business of any person if the person who commenced, institutes, advertises, aids, conducts, manages or carries on such business knows or should know that such other person is not licensed under this title to commence, advertise, transact, conduct, manage or carry on such business.*
- B. Each day or portion thereof in which a violation of any provision of subsection A is committed, continued or permitted constitutes a separate offense.*
- C. For purposes of this section, and for all other purposes, a business license issued pursuant to this*

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title is "expired" if it is not renewed by payment of all fees and penalties within 180 days after the anniversary date of the license. See, SMC 5.12.107.

- D. No license issued pursuant to this title shall be construed to permit or condone the transaction of any business or the performance of any act which is otherwise contrary to law.
 - E. ~~At~~ Every licenses issued pursuant to this title, whether or not explicitly so stated, ~~are~~ is subject to all other provisions of federal, state and local law with respect to licenses, permits, safety and environmental standards, prohibited acts or conditions and any other applicable provisions.
- Ord 624 § 18, 1965: 1962 Code § 105.026.)

Section 13. Section 5.12.005: "Application process" is hereby added as follows:

Section 5.12.005 - Application Process.

- A. Every person required to procure a license under the provisions of this title shall submit an application to the chief license officer of the city. The application must:
 - 1. Be a written statement upon forms provided by the city;
 - 2. Require the applicant to produce a legitimate photographic driver's license or photographic identification card issued by an agency or department of a state of the United States of America authorized under the law of the state to issue driver's licenses or identification cards to the public.
 - 3. Require disclosure of all information that the city finds to be reasonably necessary to the fair and efficient administration of this title;
 - 4. Be accompanied by the full amount of the fees chargeable for such license; and
 - 5. Be signed by the applicant if he is a natural person; in the case of an association or partnership, by a member or partner with authority to bind the association or partnership; in the case of a corporation or a limited liability company, by an executive officer or some person specifically authorized by the entity to sign the application, to which must be attached the written evidence of the authority.
- B. All license fees deposited or submitted upon application are nonrefundable unless the chief license officer or his designee authorizes a refund based upon equitable principles.

Section 14. Section 5.12.007: "Approval process; Denial and appeal" is hereby added as follows:

Section 5.12.007 - Approval Process; Denial and appeal.

- A. All applications for licenses shall be referred to the appropriate city departments for review and investigation. These departments shall either recommend approval or denial of the application and forward the recommendation to the city license office.
- B. The city license office shall review the recommendations of all the applicable departments and decide whether to approve or deny the license. The city license office thereafter shall either issue a license or notify the applicant of denial, including the reason for such denial, in accordance with its decision. Any applicant that is denied a license shall be notified of the reason for the denial and the option of appealing the decision in accordance with the appeal procedures contained in SMC 5.16.010.

Section 15. Section 5.12.010: "Application - Contents of license" is hereby amended as follows:

Section 5.12.010 - Contents of license.

~~Except as otherwise provided herein, every person required to have a license under the provisions of this~~

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~~title shall make application for the same to the chief license officer of the city, and~~ Upon approval of an application for a business license and payment of the prescribed license fee, the chief license officer shall issue ~~to such person~~ a license ~~to the applicant~~ which shall contain:

- A. The name of the person to whom the license is issued;
 - B. The business or businesses licensed;
 - C. The ~~place~~ location where such business is to be transacted and carried on;
 - D. The date of issuance and the expiration date of such license;
 - E. The fee paid; and
 - F. Such other information as may be necessary for the enforcement of the provisions of this title.
- (Ord. 710 § 7, 1968: 1962 Code § 105.015.)

Section 16. Section 5.12.040: "License transferability - Amendment for changed location" is hereby repealed in its entirety.

~~Section 5.12.040 - License transferability - Amendment for changed location.~~

~~No license issued pursuant to this title shall be transferable; provided that where a license is issued authorizing a person to transact a business at a particular place, such licensee may, upon application thereof and paying a fee of five dollars, have the license amended to authorize the transacting and carrying on of such business under the license at some other location to which the business is or is to be moved:~~

~~(Ord. 710 § 10, 1968: 1962 Code § 105.024.)~~

Section 17. Section 5.12.050 "Unexpired licenses" is hereby repealed in its entirety.

~~Section 5.12.050 Unexpired licenses:~~

~~Where a license has been issued to any business by the city and the fee paid therefore under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license fee prescribed for such business by this title shall not be payable until the expiration of such unexpired license:~~

~~(Ord. 710 § 11, 1968: 1962 Code § 105.027.)~~

Section 18. Section 5.12.060: "Application - Statement or affidavit effect." is hereby amended as follows:

~~Section 5.12.060 - Application - Effect of statement or affidavit. effect:~~

~~No statement or affidavit filed in connection with an application for a license or for renewal of a license shall be~~ is conclusive upon the city or upon any officer thereof as to the matters therein set forth, and ~~the same shall~~ does not prejudice the right of the city to recover any *correct* amount that may be ascertained to be due from such person. ~~in addition to the amount shown by such statement to be due in case such statements are found to be incorrect.~~ The chief license officer or his designee shall have the right to inspect the books of any person in a business or profession within the city for the purpose of ascertaining the true receipts of such business or person. If any person required to make any such statement fails to do so, such person shall be required to pay a license fee at the maximum rate herein prescribed for the profession, trade, calling or occupation carried on by such person and he is guilty of a violation of this title and shall be punished therefore as hereinafter provided:

~~(Ord. 624 § 19, 1965: 1962 Code § 105.028.)~~

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Section 19. Section 5.12.063: "Duty to keep records - Power to audit" is hereby added as follows:

Section 5.12.063 - Duty to keep records - Power to audit.

A. *Records. Every holder of a business license issued pursuant to this title shall keep and maintain adequate records for the purpose of performing an audit to verify the accuracy of the business license fees paid and for assurance of compliance with other provisions of this title.*

For the purposes of this title, "adequate records" means records which show, or may indicate, the gross receipts of the business and includes, but is not limited to, the following:

- 1. Original or copies of all sales invoices and credit card receipts for a period of 1 year preceding the date of an audit;*
- 2. All cash receipts journals, financial statements, ledgers, copies of business license renewal forms and related documentation supporting calculations of gross receipts for the previous 3 years; and*
- 3. Income tax returns (Schedule C of 1040 Federal Tax Return for Sole Proprietorship; Form 1065 Federal Tax Return for Partnerships and LLC's; Form 1041 Fiduciary Income Tax Return and Form 1120 Federal Tax Return for Corporations) for the previous 3 tax years.*

All records required to be kept and monitored pursuant to this section must be made available to the chief licensing officer or his designee for the 3 year period preceding an audit. The information received from a licensee under this section is hereby declared to be confidential and not a public record and is available only to city officials concerned with business licensing and revenue enforcement, to the city attorney in furtherance of prosecution under this title and to a court of competent jurisdiction in a criminal prosecution or civil action commenced under this title.

B. *Audits. The city may, for the purpose of ascertaining gross receipts or to verify the accuracy of any other information reported to the city, audit any information declared by a licensee in an application for license or renewal, any information presented in a hearing or appeal or any other documentation provided to the city. After reasonable notice to the proprietor, books and records of the licensee must be made available to the chief license officer or his designee during business hours. In accordance with Chapter 364 of the NRS, any audit of the amount due from the business must not include any period for the licensing of the business ending more than 3 years before the date of the audit, unless the business has been operating without such a license or the auditor has reason to believe that the business has made a fraudulent or material misstatement of its revenue. The procedures for the proprietor of the business to obtain a review of the results of an audit are as follows:*

- 1. The city will disclose the results of the audit to the proprietor, discuss any relevant issues that have not previously been resolved and attempt to resolve those issues.*
- 2. If those issues are not resolved through compliance with paragraph 1:*
 - a. The proprietor can prepare documentation of those issues and submit the documentation with a copy of the final audit report to the chief license officer; and*
The chief license officer or his designee shall:
 - i. Within 7 days after receiving the documentation, acknowledge their receipt; and*
 - ii. Within 30 days after receiving the documentation, respond to the proprietor regarding those issues.*
- 3. If those issues are not resolved through compliance with paragraph 2:*
 - a. The chief license officer shall submit the documentation to the city manager and notify the proprietor that the matter is being reviewed by the city manager or his designee; and*
 - b. The city manager or his designee shall, within 60 days after receipt of the documentation by the chief license officer pursuant to subparagraph a, review the documentation and inform the proprietor of his decision regarding the resolution of those issues. That decision is final.*

C. *Rights. If an audit is performed pursuant to the chapter:*

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1. *The proprietor of the business must be informed of those rights set forth in NRS 360.291 that are applicable to the audit. Giving the proprietor a copy of NRS 360.291 meets the requirement of this paragraph.*
2. *The proprietor must be given notice, in writing, of the amount of any interest or penalties to be paid as a result of the audit.*
- D. *No judicial action may be commenced to appeal the conclusions of an audit which is adverse to a proprietor unless the administrative remedy provided in this section has been exhausted.*

Section 20. Section 5.12.070: "Application - Misrepresentation" is hereby amended as follows:

Section 5.12.070 - ~~Application -~~ Misrepresentation.

Any willful misrepresentation of material fact in any application or report required by this title, or required by any officer in the performance of his duties pursuant hereto, is a violation of ~~the~~ *this* title and, in addition to the punishment provided herein, ~~shall be~~ *is* grounds for denial ~~for~~ of a license or *for* suspension or revocation if ~~one~~ *a* license has been issued.
(Ord.624 § 20, 1965; 1962 Code § 105.029.)

Section 21. Section 5.12.080: "Posting and keeping licenses" is hereby amended as follows:

Section 5.12.080 - Posting and keeping licenses.

All licenses must be kept and posted in the following manner:

- A. Any licensee transacting and carrying on business, but not operating at a fixed ~~place of business~~ *location* in the city, shall keep the license upon his person at all times while transacting and carrying on such business;
- B. Any licensee transacting and carrying on business at a fixed ~~place of business~~ *location* in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

(Ord 710 § 12, 1968; 1962 Code § 105.030.)

Section 22. Section 5.12.100: "Licensing and processing fees" is hereby amended as follows:

Section 5.12.100 - Licensing and processing fees; *permit and code enforcement fees.*

- A. Except as otherwise provided in this title, every person who engages in business within the city shall pay a license fee of ~~eighty dollars~~ \$80 per year and ~~one dollar~~ \$1 for each ~~one thousand dollars~~ \$1,000 in gross receipts (or portion thereof) in excess of ~~ten thousand dollars~~ \$10,000.
- B. A non-refundable processing fee in the amount of ~~twenty-five dollars~~ \$25 covering the cost of processing an application must accompany each application for new business license. The applicant must pay inspection and processing fees imposed by city, county and state regulatory agencies for license review services. These fees ~~shall be~~ *are* in addition to the license fee.
- C. *Inspection fees and fees for Environmental Control Permits and code enforcement efforts referred to in SMC 13.39.025 and SMC 13.70.040, and inspection fees and fees for permits issued by the fire code official referred to in SMC 14.05.0100, must be paid to the Finance Department prior to the issuance or renewal of a business license. Regarding renewal of a license, if such fees are not paid by the due date for payment of the business license fee (including the grace period), such fees are deemed to be delinquent and shall be added to the delinquent business license fee for purposes of calculating the penalty pursuant to SMC 5.12.105. A business license may not be renewed unless all such fees are paid.*

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D. An applicant who has been conducting business without ever having obtained a license for the business must pay a penalty of \$250 when applying for an initial business license, in addition to the business license fee and all other fees.

E. Exempted from the provisions of subsections A, ~~and B, C and D~~ are those activities conducted for the purpose of supplementing a person's major income and from which gross receipts do not exceed one thousand dollars per year. Such person must obtain an avocational permit from the city and pay a fee of \$6 ~~six dollars~~ per year.

(Ord. 1762, 1992; Ord. 1702, 1991; Ord 1356 § 1, 1982; Ord. 1293 § 1, 1980; Ord 710 § 14, 1968; 1962 Code § 105.036.)

Section 23. Section 5.12.105: "Delinquent fees - Penalty" is hereby amended as follows:

Section 5.12.105 - Delinquent fees - Penalty.

- A. All fees required under this title must be paid in ~~currently~~ lawful money of the United States of America. License fees must be physically received at the revenue division of the finance department before 5:00 PM on the last day of the grace period described in ~~Section SMC 5.12.090, of this code,~~ regardless of whether the payment was mailed on or before the last day of the grace period. All license fees which are not physically received at the revenue division before 5:00 pm on the last day of the grace period *are deemed to be delinquent (referred to as a "delinquent license fee") and are subject to the penalties provided in subsections B ~~and C~~ below through F, inclusive, of this section.*
- B. If any license issued under the provisions of this title has not been renewed through payment of the applicable license fee within ~~thirty~~ 30 days ~~of after~~ the anniversary date, a ~~delinquent~~ penalty ~~of twenty-five equal to 25 percent of the delinquency delinquent license fee shall be~~ *is hereby assessed and shall become due must be added to the delinquent license fee. The sum of the delinquent license fee, and any permit and code enforcement fees reported pursuant to SMC 5.12.100, and any penalty must be paid prior to* ~~payable as a requirement for the renewal of such license.~~
- C. If any license issued under the provisions of this title has not been renewed through payment of the applicable license fee within ~~60 sixty~~ days ~~of after~~ the anniversary date, a ~~delinquent~~ penalty ~~equal to 50 of fifty percent of the delinquency delinquent license fee shall be~~ *is hereby assessed and must shall become due and be added to the delinquent license fee. The sum of the delinquent license fee, any permit and code enforcement fees reported pursuant to SMC 5.12.100, and any penalty must be paid prior to* ~~payable as a requirement for the renewal of such license. The penalty provided in subsection B shall not apply to delinquencies subject to this subsection C.~~
- D. If any license issued under the provisions of this title has not been renewed through payment of the applicable license fee within 90 days after the anniversary date, a penalty equal to 75 percent of the delinquent license fee *is hereby assessed and must be added to the delinquent license fee. The sum of the delinquent license fee, any permit and code enforcement fees reported pursuant to SMC 5.12.100 and any penalty must be paid prior to the renewal of such license. The penalties provided in subsections B and C shall not apply to delinquencies subject to this subsection D.*
- E. If any license issued under the provisions of this title has not been renewed through payment of the applicable license fee within 120 days after the anniversary date, a penalty equal to 100 percent of the delinquent license fee *is hereby assessed and must be added to the delinquent license fee. The sum of the delinquent license fee, any permit and code enforcement fees reported pursuant to SMC 5.12.100 and any penalty must be paid prior to the renewal of such license. The penalties provided in subsections B, C and D shall not apply to delinquencies subject to this subsection E.*
- F. If any license issued under the provisions of this title has not been renewed through payment of the applicable license fee within 150 days after the anniversary date, a penalty equal to 125 percent of the delinquent license fee *is hereby assessed and must be added to the delinquent license fee. The sum of the delinquent license fee, any permit and code enforcement fees reported pursuant to SMC*

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5.12.100 and any penalty must be paid prior to the renewal of such license. The penalties provided in subsections B, C, D and E shall not apply to delinquencies subject to this subsection F.

- G. A business license expires 180 days after its anniversary date and cannot be renewed after it expires. If a license expires, a new license must be obtained pursuant to SMC 5.12.107 to lawfully continue the business.*

(Ord.1702, 1991.)

Section 24. Section 5.12.107: "License expires 180 days after anniversary date if not renewed; New license required after old license expires" is hereby added as follows:

Section 5.12.107 - License expires 180 days after anniversary date if not renewed; New license required after old license expires.

- A. Licenses expire if not renewed. Every license issued under the provisions of this title expires at 12:01 a.m. 180 days after the anniversary date of its issuance unless it is renewed prior to that expiration date. If the last day to renew falls on a Saturday, Sunday or legal holiday celebrated by the city, the last day shall be deemed to be the day following the weekend or legal holiday (whichever applies).*
- B. New license required if prior license expires. A license that has expired may not be renewed. The chief license officer shall not renew any license that has expired pursuant to subsection A, and shall require the holder of an expired license to obtain a new license to engage in the same business previously licensed under the expired license.*

Section 25. Section 5.12.108: "Expired license penalty" is hereby added as follows:

Section 5.12.108 - Expired license penalty.

- A. If a business license has expired and the former licensee of the business applies for a new business license, the former licensee shall pay, as a condition to obtaining a new license, the expired license penalty set forth in subsection B, the license fee for the new license and all inspection and other fees related to the new license.*
- B. The expired license penalty is equal to the sum of the delinquent license fee for the expired license, the 125 percent penalty required by subsection F of SMC 5.12.105 (renewal of a license more than 150 days after its anniversary date) and any permit and code enforcement fees reported pursuant to SMC 5.12.100 prior to the expiration of that license.*
- C. The penalty imposed pursuant to this section does not apply if 24 or more months has lapsed between the date the former business license expired and the date the application is made for a new license for the same business.*

Section 26. Section 5.12.109: "Expired license penalty - Appeals; Good cause standard" is hereby added as follows:

Section 5.12.109 - Expired license penalty - Appeals; Good cause standard.

- A. Any person aggrieved by the imposition of the expired license penalty imposed by SMC 5.12.108 must first pay the penalty and then may submit a written appeal of the penalty to the city manager within 10 days after payment of the penalty. The written appeal must show good cause why the penalty should not be imposed or should be reduced. The city manager or his designee shall review the appeal and issue a decision based on the written appeal within 15 days after receiving it or may hold an informal hearing on the written appeal within 30 days after receiving it.*
- B. If a hearing is held, the city manager or his designee shall, at least 10 days prior to the hearing,*

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notify the appellant of the time, date and place of the hearing by personal service or by certified mail, return receipt requested, to the address provided by the appellant. The hearing is informal and the formal rules of evidence do not apply. Failure of the aggrieved person to appear at the hearing is grounds to deny the appeal.

- C. Within 10 days after a hearing, the city manager or his designee shall issue a decision to impose all, part, or none of the penalty, and shall direct the Finance Department to issue any refund of the penalty. The city manager or his designee shall serve the decision on the appellant in the manner provided for service of the notice of the hearing. The decision is final.*
- D. No judicial action may be commenced to appeal the expired license penalty imposed by SMC 5.12.108 unless the administrative remedy provided in this section has been exhausted.*

Section 27. Section 5.16.010: "Denial of license" is hereby amended as follows:

Section 5.16.010 - ~~Denial of license~~ Grounds for denial of application for license or refusal to renew license; Notice of denial; Appeal process.

- A. The license officer shall deny any application for a business license, or refuse to renew a business license, when it appears that any of the following circumstances exist:*
 - 1. A misrepresentation of a material fact has been made on the ~~business license~~ application;*
 - 2. The location of the proposed business substantially fails to meet requirements of the fire or building codes, or the zoning ordinance;*
 - 3. 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 pertain to the particular business named on the application;*
 - 3. ~~The applicant fails to meet the requirements for a license of the proposed business;~~*
 - 4. The proposed business would violate provisions of this code, or state or federal law;*
 - 5. The applicant has commenced operating the proposed business ~~prior to the issuance of~~ without obtaining a business license under circumstances indicating that the applicant intentionally failed or refused to obtain a business license;*
 - 6. The applicant or any principal has been convicted of a crime under any local state or federal law or regulation arising out of the operation of a similar business;*
 - 7. The applicant or any principal has been convicted of a crime as a result of having perpetrated deceptive practices upon the public within the last 10 years;*
 - 8. The applicant or any principal suffers from a legal disability under state or federal laws;*
 - 6:9. The applicant has refused entry to or obstructed a city, county or state inspector authorized to make an inspection;*
 - 10. The applicant or any of its principals is in default on any payments owed to the city; or*
 - 11. The applicant has made a material and intentional underreporting of the gross revenues of the business.*
- B. The chief license officer or his designee, after obtaining approval of the denial or refusal to renew from the city attorney or his designee, shall notify the applicant in writing of the denial ~~of a business license application~~ or refusal to renew a business license by personal service or by certified mail, return receipt requested, addressed to the location set forth on the application. Within ~~ten~~ 10 days after personal service, or ~~thirteen~~ 13 days after the date of mailing of said notice, the applicant may appeal the denial or refusal to renew to the city ~~council~~ manager or his designee by filing with the city ~~clerk~~ manager a petition for hearing. The city manager or his designee shall set the petition ~~shall be set for public informal hearing within forty-five~~ 30 days after filing. ~~The decision of the city council shall be final.~~*
- C. The city manager or his designee shall notify the applicant of the date, time and place of the informal hearing in the same manner provided for serving the notice of denial of application or refusal to*

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renew set forth in subsection B. The formal rules of evidence do not apply at the hearing. Within 5 days after the hearing, the city manager or his designee shall issue a written decision affirming or rejecting the denial or refusal to renew. If the denial or refusal to renew is affirmed, the decision is final. If the denial or refusal to renew is overturned, the chief license officer shall take appropriate action to issue or renew the business license.

D. No judicial action may be commenced to appeal the denial of a business license or refusal to renew a business license unless the administrative remedy provided in this section has been exhausted.

(Ord. 1702, 1991; Ord. 1209 § 1, 1979; Ord. 624 § 21, 1965; 1962 Code § 105.031.)

Section 28. Section 5.16.020: "Suspension, revocation of license" is hereby amended as follows:

Section 5.16.020 - Grounds for Ssuspension, revocation of license; Notice; Appeal process.

~~A. If the license officer has reason to believe, as the result of his own investigation, or upon the complaint of another public officer, that a misrepresentation of a material fact has been made on the business license application, that the business is conducted in violation of law, or that the business creates a public nuisance, the matter shall be reported to the city council. The city council shall have the power to order the licensee to appear and show cause why the license should not be revoked or suspended.~~

~~B. When a time for hearing the matter is set, notice of the time and place thereof shall be given to the licensee not fewer than five days prior to the date of such hearing.~~

~~C. If, after hearing, the city council determines that the business license should be revoked or suspended, or if the licensee fails to appear at the hearing, such business license shall be revoked or suspended. The decision of the city council may be appealed to the district court pursuant to the procedure established by law.~~

A. *Certain chapters (e.g., Chapters 5.22 "Work Permit," 5.24 "Gaming Establishments," 5.28 "Alcoholic Beverages," 5.36 "Solicitors and Peddlers," and 5.66 "Escort Services") of this title contain specific sections providing for the suspension or revocation of licenses regulated by that chapter. The applicable chapter shall apply to the suspension or revocation of the types of licenses covered by such chapter.*

B. *Except for licenses described in subsection A, any license issued pursuant to this title may be revoked or suspended by the chief license officer, after notice and opportunity to be heard as provided in this section, for any of the following causes:*

- 1. Any fraud, misrepresentation or false statement contained in the application for license or renewal;*
- 2. Any fraud, misrepresentation or false statement made in connection with conducting the business licensed under this title;*
- 3. Any violation of the provisions of the Sparks Municipal Code, the Nevada Revised Statutes or Federal law relating to the operation of the business including, but not limited to, violations which constitute an act or omission under paragraph 4;*
- 4. Any act or omission by the licensee or his employees or agents related to the operation of the business which poses a threat to the public health, safety or welfare or constitutes a breach of the peace, a public nuisance or a nuisance in general under Chapter 7.16 of the SMC;*
- 5. Refusal by the licensee or his employees or agents to make the books and records of the business available for inspection by the chief license officer or his designee as required by SMC 5.12.063.*
- 6. The licensee has made a material and intentional underreporting of the gross proceeds of the business.*
- 7. The non-payment of any amounts owed to the city.*

C. *The chief license officer or his designee, after obtaining approval of the suspension or revocation from the city attorney or his designee, shall notify the licensee of the suspension or revocation of a*

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business license by posting a Notice of Suspension or Revocation (whichever is applicable) at the location of the business and by personal service of the Notice or mailing of the Notice by certified mail, return receipt requested, to the location of the business or such other address likely to result in actual notice to the licensee. The licensee may appeal the suspension or revocation to the city manager or his designee by filing with the city manager a petition for hearing within 10 days after receiving the notice of suspension or revocation. The city manager or his designee shall set the petition for informal hearing within 30 days after filing. The formal rules of evidence do not apply at the hearing. The city manager or his designee shall issue a written decision within 10 days after the close of the hearing. The written decision of the city manager or his designee to suspend or revoke a license is final.

- D. Except as otherwise provided by law (including but not limited to SMC 5.16.025), a licensee may operate the licensed business while administrative proceedings to suspend or revoke the business license are pending. If the decision of the city manager or his designee upholds the suspension or revocation, the licensee must comply with the terms of the suspension or revocation, including any terms or conditions that require the licensee to immediately cease operating the business or to immediately cease operating the business upon the occurrence of, or failure to comply with, a specific term or condition. If the decision of the city manager or his designee rejects the suspension or revocation, the chief license officer shall take no further action based on the asserted grounds for the suspension or revocation.*
- E. No judicial action may be commenced to appeal the decision to suspend or revoke a business license unless the administrative remedy provided in subsection C has been exhausted.*
(Ord.1209 § 2, 1979; Ord. 950 § 1 (part), 1973; Ord. 624 § 22, 1965; 1962 Code § 105.032.)

Section 29. Section 5.16.025: “Grounds for summary suspension of license” is hereby added as follows:

Section 5.16.025 - Grounds for summary suspension of license.

- A. Any license issued pursuant to this title is subject to summary suspension by order of the chief of police or by order of the fire chief whenever there is probable cause to believe that extraordinary circumstances have arisen which are an immediate threat to the public health, safety or welfare and that business operations pursuant to that license increase the level of that threat.*
- B. An order of the chief of police or the fire chief pursuant to this section prevails over all other provisions of this title pertaining to suspension of a business license. A suspension may continue until the conditions warranting the order have ceased.*

Section 30. Section 5.16.027: “Unlawful to fail to keep and maintain adequate records and provide them upon demand - Unlawful to underreport gross revenues” is hereby added as follows:

Section 5.16.027 - Unlawful to fail to keep and maintain adequate records and provide them upon demand - Unlawful to underreport gross revenues.

- A. It is unlawful for any licensee to fail to keep and maintain “adequate records”, as that term is defined in SMC 5.12.063.*
- B. It is unlawful for a licensee to fail or refuse to make available to the city any record within the definition of “adequate records” in SMC 5.12.063 within 96 hours after being served with written demand therefore by the chief license officer or his designee.*
- C. It is unlawful for any licensee who is required to pay a license fee based on gross revenues to make a material and intentional understatement of the licensee’s gross revenues for any licensing period. In determining materiality, the fact that the underreporting results in a 10 percent lower business license fee is conclusive proof of materiality. A criminal conviction under this section does not*

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prohibit the non-renewal, suspension or revocation of a business license on grounds that the licensee made a material and intentional underreporting of gross receipts.

Section 31. Section 5.16.040: "Notice" is hereby amended as follows:

Section 5.16.040 - Notice.

Any notice required under the provisions of this title shall be deemed to have been served when it has been delivered personally *to an owner, licensee or employee at the location of the business* or *has been deposited at Sparks in the United States Post Office, enclosed in a sealed envelope, postage paid, with prepaid certified mailing, return receipt requested,* addressed to ~~such person~~ *an owner or licensee at his place the location of the business* as the address appears in the records of the city, ~~and if no such address appears, then addressed to him at Sparks, Nevada and the return is signed by an owner, licensee or employee of the business.~~

(Ord. 624 § 24, 1965: 1962 Code § 105.037.)

Section 32. Section 5.22.040: "Appeals to work permit review board" is hereby amended as follows:

Section 5.22.040 - Appeals to work permit review board; judicial review.

- A. A person whose work permit is denied, suspended or revoked for failing to meet the qualifications set forth in the SMC, may, within 10 days after receiving notification of the denial, suspension or revocation, appeal to the work permit review board by delivering a written or typed appeal to the Records Supervisor at the police department. The appeal must set forth the appellant's current physical and mailing address. Failure to make a timely appeal to the board constitutes a waiver by the applicant of the right to appeal.
- B. Appeals that are made in a timely manner must be heard by the work permit review board within 45 days after the appeal is received. Notice of the hearing shall be mailed to the appellant at the address set forth on the appeal at least 10 days before the hearing, and at the hearing the appellant *or his or her attorney* shall be afforded the opportunity to present facts and arguments supporting his appeal.
- C. The work permit review board may, by majority vote, waive any of the qualifications or restrictions established in the SMC for any work permit, having due consideration for the health, safety and general welfare of the inhabitants of the city. No person has a right to receive a waiver from the board. The board has no authority to waive any qualification or restriction established in federal law, NRS or the NAC.
- D. If notice of hearing has been made pursuant to this section, the appellant's failure to appear at the hearing is grounds for denial of the appeal.
- E. Providing false or misleading information to the board is grounds for suspension or revocation of a work permit and is grounds for reconsideration of a waiver previously authorized by the board.
- F. The work permit review board shall make a written decision and serve it upon an appellant in the manner provided for service of a Notice of Denial. *The written decision is final.*
- G. ~~Obtaining a Decision from the work permit review board is a condition precedent to filing an appeal to the city council.~~ *No judicial action may be commenced to appeal the decision of the chief of police to deny, suspend or revoke a work permit unless the administrative remedy provided in this section has been exhausted.*

Section 33. Section 5.22.050: "Appeal to City Council; judicial review" is hereby repealed in its entirety.

~~Section 5.22.050 - Appeal to city council; judicial review.~~

- ~~A. Any person aggrieved by the decision of the work permit review board may, within 10 days after~~

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~~receiving the decision of the board, file a written request with the city clerk for a hearing before the city council. Failure to make timely application for a hearing before the city council constitutes a waiver by the applicant of the right to appeal to the city council. The city council shall consider the appeal to determine whether the appellant is qualified to hold the work permit and whether to waive a qualification for the work permit. However, no person is entitled to receive a waiver from the city council, and the city council has no authority to waive any qualification or restriction established in federal law, the NRS or the NAC.~~

- ~~B. Unless special circumstances exist the city council must render a decision on an appeal within 30 days after the city clerk's receipt of a request for a hearing. In the absence of special circumstances, the city council's failure to render a decision within that period is deemed an approval of the appeal. In such event, the appellant shall be entitled to the work permit if the appeal was from a denial of a permit, and shall be entitled to full reinstatement of any permit which was suspended or revoked.~~
- ~~C. A decision by the city council on an appeal is a condition precedent to the commencement of any judicial action to contest the denial, suspension or revocation of a work permit.~~
- (Ord. 2190, Add, 10/13/3003)

Section 34. Section 5.32.135: "License - Suspension or Revocation" is hereby added as follows:

Section 5.32.135 - License - Suspension or Revocation.

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. To the extent they are not in conflict with this chapter, the provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Section 35. Section 5.33.090: "License - Revocation" is hereby amended as follows:

Section 5.33.090 - License - Suspension or Revocation.

~~Each license shall be subject to suspension or revocation for any violation of the provisions of this chapter, and in accordance with the provisions and procedures established generally for business licenses in this code.~~

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Ord. 1307 § 1 (part), 1981.)

Section 36. Section 5.44.060: "License - Revocation" is hereby amended as follows:

Section 5.44.060 - Licenses - Suspension or Revocation.

~~Any license granted pursuant to the provisions of this chapter shall be revocable at time by the city council for cause.~~

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

(1962 Code § 105.408.)

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Section 37. Section 5.56.080: "Violation - Penalty" is hereby amended as follows:

Section 5.56.080 - Violation - Penalty.

Any person violating the provisions of this chapter is guilty of a misdemeanor and shall be punished as provided in Section 1.12.010 of this code. ~~The chief license officer may also revoke the license or permit granted herein upon any such conviction or by giving written notice of revocation to the licensee, who may appeal such written notice to the city council by a written notice of appeal within ten days after receipt of any such notice of revocation.~~

(Ord. 804 § 9, 1970; 1962 Code § 105.895.)

Section 38. Section 5.56.090: "License - Suspension or Revocation" is hereby added as follows:

Section 5.56.090 - License - Suspension or Revocation

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Section 39. Section 5.58.080: "License - Suspension or Revocation" is hereby added as follows:

Section 5.58.080 - License - Suspension or Revocation

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Section 40. Section 5.59.140: "Suspension or revocation of permit" is hereby amended as follows:

Section 5.59.140 - Suspension or revocation of permit.

- A. Any permit issued under this chapter may be suspended or revoked for any of the following reasons:
1. Fraud or misrepresentation in the application for the permit;
 2. Fraud or misrepresentation in the course of conducting the business of vending;
 3. Conducting the business of vending contrary to the conditions of the permit;
 4. Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
- ~~B. Upon complaint of the city manager or his designee, a hearing shall be scheduled before the city council to consider the suspension or revocation of a permit. A copy of the complaint together with written notice of the time and place of hearing shall be delivered to the permittee personally or mailed to the permittee's last known address not less than five days prior to the hearing. Upon good cause shown at such hearing or upon the failure of the permittee to appear and defend at such hearing, the city council may suspend, revoke or modify a permit.~~
- B. *A permit issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a permit issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.*

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(Ord. 1610 § 1 (part), 1988.)

Section 41. Section 5.60.100: "Revocation of licenses - Grounds and Procedure" is hereby amended as follows:

Section 5.60.100 - Suspension or Revocation of licenses - Grounds and Procedure.

A license issued pursuant to this chapter is subject to suspension or revocation by the chief of police or his designee for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation, except that the chief of police or his designee is empowered to conduct all proceedings and make all determinations.

(Ord. 1064 § 1 (part), 1976.) (Ord. 2190, Amended, 10/13/2003)

Section 42. Section 5.62.020: "Licensing and bonding" is hereby amended as follows:

Section 5.62.020 - Licensing and bonding.

Each babysitting agency which places babysitters in the city shall be licensed and bonded by the state and licensed by the city. *The division of finance shall require an application to be completed and issue a license to eligible persons.* A copy of the state bond shall be deposited with the license division of the city before issuance of the license. The annual license fee shall be \$80 ~~dollars~~ per year. Thereafter, each applicant shall report his gross sales and pay the license fees as required by Section 5.12.100 of this code. Except as otherwise provided in this chapter, ~~regulations provisions of the SMC that are~~ applicable to general businesses in the city ~~shall be~~ are applicable to babysitting agencies.

(Ord. 1356 § 9, 1982; Ord. 1121 § 1 (part), 1977.)

Section 43. Section 5.62.060: "Persons unqualified for license" is hereby amended as follows:

Section 5.62.060 - Persons unqualified for license.

The following persons are not qualified to hold any license under the provisions of this chapter:

A. A person who has been convicted within the preceding ~~five~~ 5 years of:

1. A felony or any crime which under the laws of this state would be a felony;
2. Any crime of which fraud or intent to defraud was an element, whether in this state or elsewhere;
3. Larceny in any degree;
4. Buying or receiving stolen property;
5. Unlawful entry of a building;
6. Unlawful possession or distribution of narcotic drugs;
7. Unlawful use, carrying or possession of a ~~pistol~~ firearm or other dangerous weapon;
8. Prostitution; or
9. Any sex crime that would require the person to register under SMC Chapter 9.74.

B. A person who the ~~council determines~~ the chief license officer and the chief of police mutually agree is not a suitable person to receive a license, having due consideration for the proper protection of the public health, safety and general welfare of the inhabitants of the city.

(Ord. 1121 § 1 (part), 1977.) (Ord. 2190, Amended, 10/13/2003)

Section 44. Section 5.62.080: "License - Suspension or Revocation" is hereby added as follows:

Section 5.62.080 - License - Suspension or Revocation

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter, for the licensee's failure to remain qualified under SMC 5.62.060, or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Section 45. Section 5.65.140: "Suspension or revocation of license" is hereby amended as follows:

Section 5.65.140 - License - Suspension or Revocation.

~~Suspension or revocation of a license issued pursuant to this chapter shall be in accordance with the procedures set forth in Chapter 5.16 of this code.
(Ord. 1623 § 1 (part), 1988)~~

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Section 46. Section 5.66.110: "Suspension or revocation of license" is hereby amended as follows:

Section 5.66.110 - License - Suspension or Revocation.

A license may be suspended or revoked after notice and hearing as provided in ~~Section SMC 5.16.020 of this title~~ upon a finding that the licensee has committed one or more following acts:

- A. Committed or been convicted in any court subsequent to the filing of the application for a license of a felony or any crime involving moral turpitude, fraud, deception, false pretenses, misrepresentations, or concealed material facts in an application for a business license; ~~or~~
- B. Made intentional misrepresentations, or concealed material facts in an application for a business license; ~~or~~
- C. Been convicted of, committed, or been enjoined in a civil action of any of the offenses provided in ~~Section SMC 5.66.060 B(2) of this chapter~~; ~~or~~
- D. Used or employed escort bureau runners; ~~or~~
- E. If a partnership, limited partnership or corporation, failed to remove any partner, officer, director or stockholder convicted of any offense as described in ~~Section SMC 5.66.060 B(2) of this chapter~~ immediately upon learning of the conviction;
- F. Failed to keep accounting records capable of audit and certification of gross receipts by a certified public accountant, or refused to provide access to such for audit by business license investigators; ~~or~~
- G. Failed to update its license application as required in this chapter; ~~or~~
- H. Failed to pay any license fees due under this chapter; ~~or~~
- I. Failed to maintain an open office at all hours escorts are working; ~~or~~
- J. Advertised that services other than service oriented escorts are available; ~~or~~
- K. Published advertisements which contain phone numbers of the escort service or escort bureau without giving the address of that business; ~~or~~
- L. Advertised, either directly or by implication, that sexual stimulation or sexual gratification is available; ~~or~~
- M. Continued to employ or use an escort who has been convicted of prostitution after notification by the

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police department or licensing officials; such notice shall be sent by mail to the licensee at its principal place of business and to the officer manager thereof (if any) of record at his/her home address; ~~or~~

- N. Operated the escort service in a fraudulent or dishonest manner as defined in NRS 207.170 through 207.171 inclusive; ~~or~~
- O. Conducted or advertised business under an unlicensed fictitious name; ~~or~~
- P. Maintained the business in a structure or building which is structurally unsafe, or not provided with adequate egress, or which constitutes a fire hazard, or which is otherwise dangerous to human life or safety, or which in relation to existing use constitutes a hazard to safety or health, or public welfare; ~~or~~
- Q. Maintained the business in a manner detrimental to the peace or morals of the community; or
- R. Otherwise violated any provision of this chapter.

If the city ~~council manager~~ *or his designee* finds that after notice and hearing the licensee ~~has been~~ *is* guilty of a violation ~~for which is grounds for revocation, could be ordered, it~~ *he* may suspend the license, ~~or suspend the license but allow continued operation upon compliance with specific conditions or revoke the license.~~

(Ord. 1478 § 1 (part), 1985.)

Section 47. Section 5.68.120: "License - Suspension or Revocation" is hereby added as follows:

Section 5.68.120 - License - Suspension or Revocation.

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.20. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Section 48. Section 5.72.060: "Enforcement" is hereby amended as follows:

Section 5.72.060 - Enforcement.

- A. Both the health department and the police department ~~shall have the authority to~~ *may* inspect the premises during operating hours and ~~to may~~ enforce the provisions of this ~~section~~ *chapter*.
 - B. ~~Failure to comply with the requirements of this section may constitute grounds for the suspension, revocation or nonrenewal of licenses issued by the city to operate such an establishment. A license issued pursuant to this title which allows private viewing booths is subject to suspension, revocation or non-renewal for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of such a license and any administrative or judicial appeal of such suspension or revocation.~~
 - C. Violation of any provision of this ~~chapter~~ *section* constitutes a public nuisance.
- (Ord. 1792, 1993.)

Section 49. Section 5.75.200: "License - Revocation" is hereby amended as follows:

Section 5.75.200 - License - Suspension or Revocation.

~~Each license shall be subject to suspension or revocation for any violation of the provisions of this chapter, and in accordance with the provisions and procedures established generally for the business~~

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~~licenses in this code:~~

A license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.
(Ord. 1720, 1992)

Section 50. Section 5.77.110: "Permit revocation" is hereby amended as follows:

Section 5.77.110 - Permit - *Suspension or R*evocation.

An outdoor service permit may be *suspended or* revoked by the city council following notice to the permittee and a noticed public meeting. The permit may be *suspended or* revoked if the city council finds that one or more conditions of the permit or of this chapter have been violated or that the outdoor service area is being operated in a manner which constitutes a nuisance, or that the operation of the sidewalk café unduly impedes or restricts the movement of pedestrians past the outdoor service area.
(Ord. 1816, 1994.) (Ord. 2231, Amended, 07/12/2004)

Section 51. Section 5.78.140: "License - Revocation" is hereby amended as follows:

Section 5.78.140 - License - *Suspension or* Revocation.

~~Each license and provisional license is subject to suspension or revocation for any violation of the provisions of this chapter. Any such suspension or revocation must be done in accordance with the provisions and procedures established generally for business licenses in this code:~~

A license or provisional license issued pursuant to this chapter is subject to suspension or revocation for any violation of the provisions of this chapter or for any ground for suspension or revocation set forth in SMC 5.16.020. The provisions of Chapter 5.16 of the SMC govern the suspension or revocation of a license issued pursuant to this chapter and any administrative or judicial appeal of such suspension or revocation.

Ord. 2155, Add, 11/25/2002)

Section 52. Section 13.39.010: "Environmental control permits for industrial/commercial discharges" is hereby amended as follows:

Section 13.39.010 - Environmental control permits for industrial/commercial discharges.

Industrial/commercial discharges connected to the city's sewer system shall obtain an Environmental Control Permit from the Public Works Director. It is unlawful for any industrial/commercial discharger to discharge without such permit. The Public Works Director shall require permits for the following categories of industrial/commercial discharges:

- A. Dischargers whose effluent strength (BOD₅, suspended solids, total phosphorus and total nitrogen) exceeds the local domestic wastewater concentrations.
- B. All industrial dischargers for which national pretreatment standards have been established under the Act and regulations and guidelines promulgated thereunder;
- C. Other dischargers as determined by the Public Works Director to require special regulation or source control.
- D. Industrial dischargers shall be categorized into one of the five (5) classifications described below:
 1. **Hazard Class I:** Those industrial/commercial establishments with sanitary facilities which could

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not discharge any wastes greater in strength than normal domestic wastes and do not have potentially hazardous materials used or stored on their property. These dischargers may require a cursory inspection to verify specific operations within these facilities. ~~A request from the Sparks Revenue Division generates an inspection upon startup.~~ *An inspection shall be made by the Public Works Director or his designee upon a discharger's application for a business license, change of location, change of ownership or change in business name.*

2. **Hazard Class II:** Those industrial/commercial establishments which do not generate significant amounts of wastes and are typically, but not limited, restaurants, laundromats, small repair shops, machine shops and medical offices. Class II establishments may have small amounts of petroleum, antifreeze, solvents and photography or x-ray chemicals on premises with only a slight hazard of these being discharged into the sanitary or storm sewer systems. Class II establishments receive an inspection every twelve (12) months with the issuance of an Environmental Control Permit annually.
3. **Hazard Class III:** Those industrial/commercial establishments whose waste stream may contain materials which are considered incompatible. Typically wastewater discharged by this classification may require pretreatment, proper storage and handling measures as well as spill prevention and containment requirements. Class III establishments may leave petroleum, inks, chemical and/or flammable solvents, acids or caustics on premises. Generally Class III establishments may repackage, distribute, or generate medium quantities of hazardous or toxic materials and/or wastes. Class III establishments receive an inspection every six (6) months with the issuance of an Environmental Control Permit annually.
4. **Hazard Class IV:** Those industrial/commercial establishments which in their normal operations would use and/or generate a large quantity of hazardous material or waste. This would include significant industrial users discharging wastewater in amounts equal to or greater than twenty-five thousand (25,000) gallons per day. These establishments may be required to pretreat wastewater prior to discharge into the sanitary sewer system, monitor their facility wastewater discharge and provide bi-annual reports to the Public Works Director. The Public Works Director at a minimum shall sample wastewater discharges from Class IV establishment as outlined in the 40 Code of Federal Regulation Part 403. Class IV establishments are required to use proper storage and handling measures and to implement spill prevention and containment requirements. Class IV establishments may have but are not limited to large flows, toxic metal solutions, flammables, acids, caustics and/or tanks containing chemical solutions on premises.
5. **Hazard Class V:** Those industrial/commercial establishments which are subject to federal pretreatment requirements and are classified as Categorical industries. This classification may or may not discharge process wastewater into the sanitary sewer system but otherwise meet the same criteria as a Class IV establishment.

(Ord. 1421 § 20, 1983; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2291, Amended, 08/22/2005; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended 11/29/1999).

Section 53. Section 13.39.020: "Environmental control permit application" is hereby amended as follows:

Section 13.39.020 - Environmental control permit application.

- A. To obtain an Environmental Control Permit the industrial/commercial user shall complete and file with the Public Works Director an application in the form prescribed by the Public Works Director. The application may require the following information.
 1. Name, address and Standard Industrial Classification (S.I.C.) number or numbers of applicants;
 2. Estimated volume of wastewater to be discharged;

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3. Wastewater constituents and characteristics as prescribed by the Public Works Director;
 4. Time and duration of discharge;
 5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location and elevation as required by the Public Works Director.
 6. Description of business activities including type of products, raw materials used, variation in operation, and number and duties of employees;
 7. Any other information as may be deemed by the city engineer to be necessary to evaluate the permit application.
- B. The Public Works Director will evaluate the data furnished by the discharger. After evaluation, inspection, and approval of all the data required, the Public Works Director may issue an Environmental Control Permit subject to terms and conditions provided herein.
- C. Before a new industrial/commercial discharger to the city's wastewater facilities is allowed, the discharger must first obtain an Environmental Control Permit from the Public Works Director. All existing industrial/commercial dischargers must complete and submit to the Public Works Director an application for wastewater inspection within fifteen days of receipt of the application. Violation of this provision shall subject the discharger to enforcement and penalties as provided in Chapter 13.42 of this title.
- ~~D. Fees for Environmental Control Permit and monitoring shall be set by resolution with a public hearing. Fees collected shall defray administrative, sample collection, testing, and other costs associated with Environmental Control Permit applications and evaluation as required in Section 13.39.030 (B) of this chapter. Environmental Control fees are set by Resolution.~~
- ~~E. The Public Works Director finds there is a need to recover costs incurred by the city, through a fee, in its code enforcement efforts. Fees charged include time spent by city personnel reinspecting properties throughout the city in an effort to ensure compliance with the code, and costs incurred in the reinspection, investigation, recording of notices, and any other processing costs associated with violations specified on the notice of violation or a misdemeanor citation. Code enforcement fees shall be set by resolution with a public hearing.~~
- ~~F. Where possible, fees assessed pursuant to (D) and (E) of this section will be placed on the dischargers' existing sewer account. Payments shall be due and payable upon receipt of the bill and shall be delinquent if not fully paid by the due date stated in the bill. A penalty of eight and three tenths percent (8.3%) per month of the charges may be added to all delinquent charges.~~
- (Ord. 1421 § 21, 1983; Ord. 1283 § 9 (part), 1980.) (Ord. 2420, Amended, 01/26/2009; Ord. 2291, Amended, 08/22/2005; Ord. 2186, Amended, 08/25/2003; Ord. 2043, Amended, 11/29/1999)

Section 54. Section 13.39.025: "Permit and code enforcement fees; payment a condition precedent to issuance or renewal of business license to industrial/commercial dischargers" is hereby added as follows:

Section 13.39.025 - *Permit and code enforcement fees; payment a condition precedent to issuance or renewal of business license to industrial/commercial dischargers.*

- A. *Fees for Environmental Control Permits for industrial/commercial dischargers and related monitoring shall be set by resolution of the city council following a public hearing. Fees collected shall defray administrative, sample collection, testing, and other costs associated with Environmental Control Permit applications and evaluations as required in SMC 13.39.030(B).*
- B. *The city council finds there is a need to recover costs incurred by the city, through a fee, for code enforcement efforts. Code enforcement fees include time spent by city personnel re-inspecting properties throughout the city in an effort to ensure compliance with the code, and costs incurred in a re-inspection, investigation, recording of notices, and any other processing costs associated with violations specified on a notice of violation or a misdemeanor citation. Code enforcement fees are set by resolution of the city council following a public hearing.*

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- C. *Fees assessed pursuant to subsections A and B, and inspection fees for Hazard Class I sites, shall be reported to the Finance Department, and all then-outstanding fees must be paid by the discharger to the Finance Department as a condition precedent to the issuance or renewal of a business license to the discharger. If such fees are not paid by the due date for payment of business license fees, (including the grace period), such fees are deemed to be delinquent and shall be added to the delinquent business license fee for purposes of calculating the penalty pursuant to SMC 5.12.105.*

Section 55. Section 13.70.040: "Permit fees" is hereby amended as follows:

Section 13.070.040 - Permit and code enforcement fees; payment a condition precedent to issuance or renewal of business license to industrial/commercial storm water dischargers.

- A. Fees for an Environmental Control Permit for industrial/commercial storm water dischargers and related monitoring shall be set by resolution with of the city council following a public hearing. Fees collected shall defray administrative, sample collection, testing, and other costs associated with storm water permit applications and evaluations as required in SMC 13.70.050(B).
- B. ~~The Public Works Director~~ city council finds there is a need to recover costs incurred by the city, through a fee for code enforcement efforts. ~~Code enforcement~~ Fees charged include time spent by city personnel reinspecting properties throughout the city in an effort to ensure compliance with the code, and costs incurred in the reinspection, investigation, recording of notices, and any other processing costs associated with violations specified on the a notice of violation or misdemeanor citation. Code enforcement fees ~~are shall be~~ set by resolution of the city council following a public hearing.
- C. ~~Where possible fFees assessed pursuant to subsections (A) and (B) of this section will be placed on the discharger's existing sewer account. Payments shall be due and payable upon receipt of the bill and shall be delinquent if not fully paid by the due date stated in the bill. A penalty of eight and three tenths percent (8.3%) per months of the charges may be added to all delinquent charges. must be reported to the Finance Department, and all then-outstanding fees must be paid by the discharger to the Finance Department as a condition precedent to the issuance or renewal of a business license to the discharger. If such fees are not paid by the due date for payment of business license fees (including the grace period), such fees are deemed delinquent and shall be added to the delinquent business license fee for purposes of calculating the penalty pursuant to SMC 5.12.105.~~

(Ord. 2991, Amended, 08/22/2005; Ord. 2186, Add, 08/25/2003)

Section 56. Section 14.05.0100: "Chapter 1 - Administration" is hereby amended as follows:

Section 14.05.0100: - Chapter 1 - Administration

Chapter 1 of the 2006 Edition of the International Fire Code is amended to read as follows:

SECTION 101 - GENERAL

101.1 Title.

These regulations shall be known as the Fire Code of the City of Sparks Fire Department, hereinafter referred to as "this code".

SECTION 102 - APPLICABILITY

102.3.1 Change of use or occupancy.

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No change shall be made in the tenant, character or occupancy or use of any building without an inspection from the Sparks Fire Department through the business license process to assure compliance with the fire and life-safety provisions of the City of Sparks and the adopted fire codes and standards.

102.6 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 45, except that the most current version of each of those codes and standards apply. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

SECTION 103 - DEPARTMENT OF FIRE PREVENTION

103.3.1 Deputies.

The Fire Prevention Division will be staffed in accordance with the policies of the City of Sparks and shall have the powers of police officers to carry out the provisions of this code.

SECTION 104 - GENERAL AUTHORITY AND RESPONSIBILITIES

104.10.2 Physical evidence.

If it appears that a fire is of accidental, natural, or incendiary origin, the inspector conducting the investigation is authorized to make immediate charge of all physical evidence relating to the cause of the fire and shall have the powers of a peace officer in accordance with Nevada Revised Statute to carry out the arrest and prosecution of arsonists and to pursue the investigation to its conclusion.

SECTION 105 - PERMITS

105.1 Permits required.

Permits required by this code shall be obtained from the fire code official. ~~Permits shall be paid to the City of Sparks upon receiving a bill from the Sparks Finance Department.~~

Fees assessed for permits required by this code shall be reported to the Finance Department, and all then-outstanding fees must be paid by the permittee to the Finance Department as a condition precedent to the issuance or renewal of a business license to the permittee. If such fees are not paid by the due date for payment of business license fees (including the grace period), such fees are deemed to be delinquent and shall be added to the delinquent business license fee for purposes of calculating the penalty pursuant to SMC 5.12.105.

Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

SECTION 109 - VIOLATIONS

109.3 Violation penalties.

~~Any Ppersons~~ who violates a provision of this code ~~or the Sparks Municipal Code~~, or who fails to comply with any of the requirements thereof, or who erects, installs, alters, repairs, or does work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under the provisions of this code, ~~shall be~~ is guilty of a misdemeanor. Each day that a violation continues after due notice of the violation has been served ~~shall be~~ is deemed to be a separate offense.

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SECTION 110 - UNSAFE BUILDINGS

110.1 General.

If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear ~~and inimical~~ threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section.

SECTION 111 - STOP WORK ORDER

111.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, ~~shall be~~ is guilty of a misdemeanor.

SECTION 57. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 58. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 59. This ordinance shall become effective upon passage, approval and publication, except that Sections 22 to 26, inclusive, of this ordinance become effective on July 1, 2013.

SECTION 60. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 61. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 62. The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

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APPROVED this _____ day of _____, 20__, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

CHESTER H. ADAMS, City Attorney