

INJUNCTIVE RELIEF

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 OF THE SPARKS MUNICIPAL CODE BY ADDING SECTION 5.08.046, ALLOWING THE CITY TO PETITION A COURT FOR INJUNCTIVE RELIEF IN DEALING WITH UNLAWFUL BUSINESS PRACTICES; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, enforcing Title 5 of the Sparks Municipal Code furthers the City’s interest in collecting revenue for use for the benefit of the City of Sparks and its residents; and

WHEREAS, enforcing Title 5 of the Sparks Municipal Code protects the public from unfair and unsafe business practices; and

WHEREAS, businesses lawfully conducting business within the City of Sparks are placed at a distinct disadvantage when competing with unlicensed and unregulated businesses that are conducting business unlawfully; and

WHEREAS, the City’s interests in collecting revenue and protecting the public justify using all legal means to enforce the regulations affecting businesses contained in Title 5 of the Sparks Municipal Code; and

WHEREAS, additional enforcement mechanisms, including authority to seek preliminary and permanent injunctions, may assist the City of Sparks in compelling persons who conduct or transact business in the City of Sparks in violation of Title 5 of the Sparks Municipal Code to cease such unlawful business operations; and

WHEREAS, the equitable remedies of preliminary and permanent injunctions represent an efficient and expedient enforcement tool that do not require the same burden of proof or court resources that criminal proceedings rely upon.

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

Section 1. Section 5.08.046: “Injunctive Relief” is hereby added as follows:

Section 5.08.046: “Injunctive Relief”

Whenever a person, as defined in SMC 5.04.040, transacts or conducts business in the city in violation of this title, the city attorney may petition the appropriate court for a preliminary or permanent injunction, or both, to prohibit such unlawful business activities. Pursuant to SMC 2.05.020, the city attorney may seek injunctive relief pursuant to this section without the express prior permission of the city council.

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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 4. This ordinance shall become effective upon passage, approval and publication.

SECTION 5. 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 6. 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.

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SECTION 7. 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: _____

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