



Department of Business License

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March 9, 2012

NOTIFICATION OF PROPOSED AMENDMENTS TO CLARK COUNTY CODE, TITLE 6 AND TITLE 14 TO ADD A NEW REGULATED BUSINESS LICENSE CATEGORY FOR VEHICLE STORAGE LOTS

Dear Licensees and Community Partners:

Please be notified, pursuant to NRS 237.080, of proposed amendments to Clark County Code, Titles 6 and 14, for the addition of a new regulated business license category for vehicle storage lots. The amendments were introduced by the Clark County Board of Commissioners on March 6, 2012 and scheduled for public hearing on April 17, 2012. The amendments in their entirety are available for your review online at www.clarkcountynv.gov/depts/business_license.

At the request of Commissioner Sisolak, the proposed amendments to Titles 6 and 14 contain a number of requirements including:

- Operators of vehicle storage facilities must apply for a Storage Lot Operator's business license
- An application for a Storage Lot Operator's business license will include an investigation into the applicant's reputation, character, arrests, convictions and pending litigation record by the Las Vegas Metropolitan Police Department
- Vehicle storage facilities must meet zoning, public safety, size, operating and security requirements
- Vehicle storage operators must file a security bond in the amount of \$10,000
- Vehicles wrecked, disabled, inoperable or stolen that are recovered by law enforcement must be towed to a vehicle storage lot designated by the vehicle's insurance company
- Procedures for transfers and renewals of storage facility licenses

In accordance with NRS 237.080, business owners and interested parties may submit data and arguments to the Clark County Board of Commissioners, in care of the Department of Business License as to whether the proposed amendments will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation or expansion of business

Please direct your comments, data and arguments in writing to Allison Gigante, Assistant Operations Manager or by email at allisong@clarkcountynv.gov by 5:00 p.m. on April 4, 2012.

Sincerely,

A handwritten signature in black ink that reads "Jacqueline R. Holloway".
Jacqueline R. Holloway
Director

BOARD OF COUNTY COMMISSIONERS
SUSAN BRAGER, Chair • STEVE SISOLAK, Vice-Chair
LARRY BROWN • TOM COLLINS • CHRIS GIUNCHIGLIANI • MARY BETH SCOW • LAWRENCE WEEKLY
DONALD G. BURNETTE, County Manager

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Issue:	Introduction of Ordinance	Back-up:
Petitioner:	Donald G. Burnette, County Manager	Clerk Ref. #
Recommendation: That the Board of County Commissioners introduce an ordinance amending Title 14 of the Clark County Code to require a law enforcement officer to direct that a vehicle wrecked or disabled in an accident or a stolen vehicle recovered by law enforcement be towed to a vehicle storage lot designated by the vehicle's insurance company; providing for other matters properly relating thereto; and set a public hearing. (For possible action)		

FISCAL IMPACT:

Fund #: N/A Fund Name: N/A
Fund Center: N/A Funded Pgm/Grant: N/A
Description: N/A Amount: N/A
Added Comments: N/A

BACKGROUND:

Currently, neither state nor county ordinance governs the manner of selection of storage facilities utilized by local law enforcement officers when dealing with disabled vehicles after a wreck or upon recovery of a stolen vehicle. This often results in unexpected large storage fees. Per Commissioner Sisolak's request, this proposed ordinance would put control of that decision back into the hands of the entities that are ultimately responsible for the storage fees.

If this ordinance is introduced, by such introduction the Business License Department is directed to prepare a business impact study and statement and present it to the Board for its consideration.

Staff recommends a public hearing be scheduled for Tuesday, April 17, 2012, at 10 a.m.

Respectfully submitted,

DONALD G. BURNETTE, County Manager

Cleared for Agenda

3/6/2012

Agenda Item #

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Whenever a vehicle which has been involved in an accident is rendered wrecked, disabled, or inoperable, or whenever a stolen vehicle is recovered by a police agency, the responding police officer shall verify insurance coverage for the vehicle, and absent exigent circumstances, the responding police officer shall direct the responding tow driver, or other representative of the tow company dispatched to collect the vehicle, to deliver such vehicle to the vehicle storage lot designated by the insurance company providing automobile insurance coverage for such vehicle. Such designation shall be made by the insurance company either through the proof of insurance provided for the vehicle or by other notification provided to licensed storage lot operators or law enforcement agencies within the county in a manner approved by the Director of Business License.

Section 020. Failure to Tow to Designated Facility.

Should the responding tow driver fail to tow such vehicle to the storage lot designated by the insurance company, the responding tow company, and the storage facility to which the vehicle is towed, shall:

(1) forfeit all charges imposed for towing and storage of such vehicle, and all other charges; and

(2) not later than four (4) hours after receiving a demand, in writing by U.S. mail, email, fax or hand delivery, tow the vehicle, free of charge, to the vehicle storage lot designated by the insurance company insuring the vehicle, or its authorized agent.

SECTION TWO. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION THREE. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FOUR. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 201__.

PROPOSED BY: Commissioner _____

PASSED on the _____ day of _____, 201__.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Issue: Introduction of Ordinance	Back-up:
Petitioner: Donald G. Burnette, County Manager	Clerk Ref. #
Recommendation: That the Board of County Commissioners introduce an ordinance amending Title 6 of the Clark County Code to add a new chapter regulating the operation of storage lots for vehicles, providing for licensing of operators of vehicle storage lots, and providing procedures for applications, renewals, and transfers of such licenses; providing for other matters properly relating thereto; and set a public hearing. (For possible action)	

FISCAL IMPACT:

Fund #: N/A Fund Name: N/A
Fund Center: N/A Funded Pgm/Grant: N/A
Description: N/A Amount: N/A
Added Comments: N/A

BACKGROUND:

The County currently does not regulate the business of operating a vehicle storage facility. Per Commissioner Sisolak's request, this proposed ordinance would require the operator of such a facility to meet licensing requirements and would impose certain size and security measures on storage lots, including requirements that they meet all health and safety laws currently in place. The proposed ordinance also includes a bond requirement and regulates the transfer of any license or permit to operate such a facility.

If this ordinance is introduced, by such introduction the Business License Department is directed to prepare a business impact study and statement and present it to the Board for its consideration.

Staff recommends a public hearing be scheduled for Tuesday, April 17, 2012, at 10 a.m.

Respectfully submitted,

DONALD G. BURNETTE, County Manager

Cleared for Agenda

3/6/2012

Agenda Item #

~~[bracketed and stricken]~~ material is that portion being deleted
underlined material is that portion being added

BILL NO. _____

SUMMARY – An ordinance to amend Title 6 of the Clark County Code to add a new chapter regulating the operation of storage lots for vehicles, providing for licensing of operators of vehicle storage lots, providing procedures for applications, renewals, and transfers of such licenses, and providing for penalties for violations of this new chapter.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 6 OF THE CLARK COUNTY CODE TO ADD A NEW CHAPTER REGULATING THE OPERATION OF STORAGE LOTS FOR VEHICLES, PROVIDING FOR LICENSING OF OPERATORS OF VEHICLE STORAGE LOTS, PROVIDING PROCEDURES FOR APPLICATIONS, RENEWALS, AND TRANSFERS OF SUCH LICENSES, AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS NEW CHAPTER; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 6 of the Clark County Code is amended by the addition of a chapter which includes the following sections:

Section 010. Declaration of Policy.

It is found and declared that the public health, safety, morals and welfare of the inhabitants of the county, and the police power of the county, require the regulation and control of all persons engaged in the business of storage lot operators or in the operation of

storage lots. All storage lot operators, as hereinafter defined in this chapter, shall be licensed and controlled so as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the county and to safeguard the public. It is further found and declared that the right to obtain such licenses is a privilege and that the operation of a storage lot facility, when authorized by such license, is a privileged business subject to regulations, and that the policy of this chapter, the following persons are declared not to be qualified to hold a license under the provisions of this chapter:

A person who does not possess, or who does not have a reputation for possessing a good moral character;

A person who is under the age of twenty-one years;

A person who has been convicted of a crime involving moral turpitude;

A person who the board of commissioners determines is not a suitable person to receive or hold a license, after due consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the county;

Section 020. Definitions.

“Storage Lot Operator” means any person within the county, outside the incorporated cities and towns both within and without the unincorporated cities and towns, who owns and operates a storage lot as hereinafter defined and on which wrecked, recovered theft and/or inoperable motor vehicles are stored for a fee.

“Storage Lot” means an area comprised of a minimum of ten (10) acres configured to accommodate the storage of no fewer than 1,300 motor vehicles, boats, trailers and motorcycles and dedicated only to the storage of motor vehicles, boats, trailers and

motorcycles, on which no other business activities are conducted. The layout of a Storage Lot must meet all current business license, zoning, building and fire code requirements, and otherwise comply with local governmental rules and codes related to parking, paving, lighting, and security for both buildings and storage or parking compounds, and shall allow for twenty-two (22') foot drive aisles, with no fewer than two (2) feet of separation between stored vehicles, and equipped with fire hydrants as required by local applicable local codes, an automatic gate opening loop, and twenty-four (24) hour monitored security. The perimeter of a Storage Lot must be fenced with a block wall, with a minimum height of eight (8) feet, topped with either (a) three strands of barbed wire, (b) razor wire, or (c) an electric fence. There shall be situated within the enclosed area of the Storage Lot at least one (1) enclosed building capable of being secured from entry by unauthorized persons, and sufficient in square footage and design to accommodate the storage of no fewer than ten (10) vehicles. The Storage Lot shall be open for business 24 hours a day, every day, and the building situated within a Storage Lot shall be accessible by vehicles owners, police agencies, insurance companies or their authorized agents accompanied by authorized persons twenty-four (24) hours a day, every day, without charge to those persons for entry.

“Board” means the Board of County Commissioners of Clark County, Nevada.

Section 030. Permit required.

Any premises for the commercial storage of vehicles, on which wrecked, recovered theft and/or inoperable motor vehicles are stored for a fee, and which is located in the unincorporated areas of Clark County must meet the minimum physical requirements for a Storage Lot as defined in this chapter. It is unlawful for any person to operate a storage lot

in the unincorporated area of Clark County, without first complying with the provisions of this chapter and obtaining a permit to do so.

Section 040. Application for license.

An application for a Storage Lot Operator's license shall be filed with the director. All applicants or other persons for which an investigation is required shall be investigated for determination of suitability and shall pay investigation fees as required by Chapter 6.08 of this code.

Section 050. Application procedure and contents.

(a) Contents. The application shall state the names and addresses of all persons owing an interest in each business, including the name and address of the general manager or managers of the business, together with a statement as to the percentage of such business owned by each individual; in the case of a firm or corporation, the names and addresses and positions of the officers of such firm or corporation; also the place, street and number where such business is to be carried on; the amount of capital proposed to be invested by the applicant in such business; whether the applicant(s) has been convicted of a felony or crime of moral turpitude or of any other crime which would be considered a felony under the laws of the state of Nevada. If the applicant is an individual, the application shall be signed by that individual. If the applicant is a firm or partnership, the application shall be signed by each individual composing or intending to compose such firm or partnership. If the applicant is a corporation, the application shall be signed by the officers thereof and shall specify the name of the corporation and the amount of the corporation's outstanding capital stock. The application shall also be accompanied by a duly certified copy of its certificate

of incorporation. All of the requirements of this section shall apply to and be required of each person required by this section to be a signatory to an application. Applicants shall reply in writing to any and all questions or information pertaining to the issuance or renewal of such license, as may be required by the board or director.

(b) Investigation and Fingerprinting. The application shall require the applicant to list any and all previous arrests, convictions or pending litigation, except minor traffic citations, and the applicant must certify that the list is true and complete. The applicant shall then present himself to the Las Vegas Metropolitan Police Department to be fingerprinted and to provide such other information as to the identity of the applicant to enable the police department to properly investigate the applicant's reputation, character, arrests and convictions and any pending litigation record. Upon the completion of such investigation, the police department shall verify the accuracy and completeness of the application and report its findings to the director and the board.

All fingerprints required to be taken under the terms of this regulation and all information obtained by reason of said fingerprints shall be maintained by the police department in a confidential file to be open for the inspection only of county commissioners, law enforcement officers, peace officers of the state and the director.

The director, after investigation, shall present all such applications, together with the findings, to the Board for final action at its next regular meeting.

(c) Interrogation by the Board. Any and all persons required to be fingerprinted and investigated under the terms of this regulation shall be required to answer any and all questions deemed appropriate and necessary by the Board, pertaining to the application, or

the fitness of any person connected as owners, part owners, officers or manager of a Storage Lot.

(d) Confidentiality. All information of a confidential nature disclosed under the terms of these regulations shall be maintained by the director in a confidential file except criminal history, which shall be kept by the Las Vegas Metropolitan Police Department, to be open for the inspection only by county commissioners, the director and peace officers of the state.

Section 060. Bond Required.

No license shall be issued until the applicant shall file, with the director, a surety bond executed by a surety company duly authorized so to do and authorized to do business within this state for the faithful observance of all provisions of this chapter during the continuance of such license, and any renewal thereof. This bond shall be in the sum of ten thousand dollars and must be conditioned to be paid to the county or to any person suffering injury by reason of any violation of the provisions of this chapter, and that the licensee therein named and its agents, will faithfully conform to each and all of the rules and regulations prescribed by the Board and director of business license for the operation of a storage lot facility and will abide by and conform to this chapter as then in force and/or thereafter amended. The bonds shall not be void upon the first recovery, but may be sued and recovered upon from time to time by any person aggrieved, in his own name, until the whole penalty is exhausted.

Section 070. Zoning use permit.

All Storage Lot locations shall possess proper zoning and a use permit pursuant to Title 29 of the Clark County Code.

Section 080. License.

The Board, upon being satisfied that the applicant is of such character and reputation that his exercise of the privileges of the license will not prejudice or be detrimental to the public safety or welfare, may grant the application, and the director shall thereupon issue the license upon payment of the fees required by this chapter and chapter 6.08, and the filing of a bond as required by this chapter. A Storage Lot Operator's license shall entitle the person receiving it to do business in the place so designated in such license.

Section 090. Prohibitions.

The license provided for in this chapter shall not authorize the licensee to conduct any other business activities.

Section 100. Nontransferable except by majority vote of Board.

Storage Lot Operator licenses shall be nontransferable to any other person or place of business, except by majority vote of the Board, and the filing of a new bond by the person to whom such license is, or may be, transferred. It shall be unlawful for any person to do business, or attempt to do business, under a license transferred to him without such consent of the Board.

Section 110. Renewal—Compliance.

No Storage Lot Operator's license hereafter issued, shall be renewed or extended for a total term of more than two years without complying with all the provisions of this chapter. Further, licensed Storage Lot Operators shall certify compliance with the

provisions of this chapter in writing to the Nevada Department of Motor Vehicles and all police agencies and tow car companies within the county of Clark.

Section 120. Posting license.

It is unlawful for any person to conduct or transact a storage lot business or otherwise operate a storage lot in the county of Clark, state of Nevada unless he shall keep posted in a conspicuous place in the place of business, the license certificate and a copy of all provisions of this chapter relating to storage lot operators.

Section 125. Notice of Licensed Operation.

A licensed Storage Lot Operator shall give notice of the name of insurance companies that designate the Operator's Storage Lot for the storage of vehicles insured by those companies to the Las Vegas Metropolitan Police Department and to all other police agencies within the county of Clark, and to all tow car operators in the county of Clark that have obtained a certificate of public service and convenience.

Section 130. Unlawful to employ anyone under eighteen years.

It shall be unlawful for any storage lot operator to employ any clerk or person under the age of eighteen years to have access to motor vehicles stored within the storage lot.

Section 140. Liability for violations.

A Storage Lot Operator licensee is and shall be liable for any and all acts of his employees, and for any violation by them of any of the provisions of this chapter.

Section 150. Indemnification.

A Storage Lot Operator shall indemnify and hold harmless all police and other local governmental agencies situated with the county of Clark, from all claims that may arise in connection with the operation of the vehicle storage lot.

Section 160. Revocation—Notice of hearing.

Any license granted under the authority of this chapter may be revoked by the Board upon a show cause order issued by the Board for any willful violation of this chapter. Notice of the hearing upon an order to show cause shall be given to the licensee at least twenty-four hours prior to the time of the hearing, and the director is charged with the duty of presenting the case for revocation of license.

SECTION TWO. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION THREE. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FOUR. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 201__.

PROPOSED BY: Commissioner _____

