~~[Bracketed and stricken]~~ material is that portion being deleted
Underlined material is that portion being added

BILL NO. 2-1-11-2

SUMMARY – An Ordinance amending section 6.28.020 of the Clark County Code relating to the definition of "secondhand dealer" for business licensing and regulation purposes; exempting from the definition the buying, selling or trading of used books, newspapers and periodicals and the buying, selling or trading of used compact discs, digital video discs, video games, videotapes, cassettes or sound recordings purchased or received as trade-ins from customers who only receive credit toward the purchase or rental of new or used items of the same kind from the licensee; and providing for other matters properly relating thereto.

ORDINANCE NO. 3931
(of Clark County, Nevada)

AN ORDINANCE AMENDING SECTION 6.28.020 OF THE CLARK COUNTY CODE RELATING TO THE DEFINITION OF "SECONDHAND DEALER" FOR BUSINESS LICENSING AND REGULATION PURPOSES; EXEMPTING FROM THE DEFINITION THE BUYING, SELLING OR TRADING OF USED BOOKS, NEWSPAPERS AND PERIODICALS AND THE BUYING, SELLING OR TRADING OF USED COMPACT DISCS, DIGITAL VIDEO DISCS, VIDEO GAMES, VIDEOTAPES, CASSETTES OR SOUND RECORDINGS PURCHASED OR RECEIVED AS TRADE-INS FROM CUSTOMERS WHO ONLY RECEIVE CREDIT TOWARD THE PURCHASE OR RENTAL OF NEW OR USED ITEMS OF THE SAME KIND FROM THE LICENSEE; 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 1. Title 6, Chapter 6.28, section 6.28.020 of the Clark County Code is hereby amended as follows:

6.28.020 - Secondhand dealer defined.

A "secondhand dealer" is defined to mean any person, firm or corporation other than a licensed pawnbroker having a place of business in the county, outside the incorporated cities and towns, both within and without the unincorporated cities, for purchasing, trading or dealing in any secondhand article whatsoever.

Exempted from this definition are the following:

(a) The buying, or selling by a licensed business of articles which were acquired as a trade-in or a credit upon the purchase of a new article of the same general kind through an arms length transaction; or

(b) The buying, selling or trading of coins, gold or silver, which are not a part of any jewelry; ~~[or]~~

(c) The selling of used articles in garage sales or other similar sales on the property of the owner of the articles which do not occur more often than four days or portion thereof each calendar half year;

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

(e) The buying, selling or trading by a licensed retail business of used video games, videotapes, cassettes, digital video discs, compact discs or sound recordings that have been purchased, or received as trade-ins, from its retail customers, so long as credit only has been given as consideration for the purchases or trade-ins, which credit then can only be used by its retail customers for the rental or purchase of new or used items referenced in this paragraph (e) at any of its licensed business premises.

SECTION 2. 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 3. 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 4. 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 1st day of February 2011.

PROPOSED BY: Commissioner Susan Brager

PASSED on the 15th day of February 2011.

AYES: Susan Brager

Lawrence L. Brown III

Tom Collins

Chris Giunchigliani

Mary Beth Scow

Steve Sisolak

Lawrence Weekly

NAYS: None

ABSTAINING: None

ABSENT: None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: Susan Brager
Susan Brager, Chair

ATTEST:
County Clerk

This ordinance shall be in force and effect from and after the 1st day of March 2011.