

CODE

CLARK COUNTY, NEVADA

(Codified through Ordinance 3757 adopted March 18, 2009)

Chapter 6.14 - MONORAIL AND FIXED GUIDEWAY TRANSPORTATION SYSTEMS

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**6.14.010 Purpose.** The purpose of this chapter is to:

- (a) Provide for the issuance of monorail master business licenses;
- (b) Provide for regulation of the business operations of franchised monorails in the county; and
- (c) Provide for the collection of monorail master business license fees.

(Ord. 2147 § 1 (part), 1998)

**6.14.020 Definitions.** As used in this chapter, unless the context otherwise requires, the following words will have the meaning ascribed to them as follows:

"Board" means the board of county commissioners of Clark County, Nevada.

"County" means, unless otherwise indicated, that portion of Clark County outside the unincorporated cities and towns, both within and without the unincorporated cities and towns.

"Debt service" is the amount paid for the current retirement of capital debt and includes the payment of principal and interest.

"Department" means the Clark County department of business license.

"Director" means the director of the Clark County department of business license.

"Fixed guideway" means, as defined in NRS 373.020, a mass transportation facility which uses and occupies a separate right of way or rails exclusively for public transportation, including, without limitation, fixed rail, automated guideway transit and exclusive facilities for buses.

"Gross revenue" means all revenue earned, using generally accepted accounting principles, from all sources of sales or service arising from or attributable to the operation of a monorail or fixed guideway transportation system within the county including, but not limited to:

- (A) Fees or fares for transportation or parking;
- (B) Retail sales of merchandise, food, nonalcoholic beverages, or tobacco products;
- (C) Rents;

(D) Rents, fees, commissions, or any other consideration, whether paid in cash or exchanged as "trade out" by advertisers, or their agents or brokers;

(E) Fees paid for access to the monorail by owners of property or operators of business enterprises adjacent to the monorail or fixed guideway, unless the owners or operators are owners of the monorail or fixed guideway and the amounts are provided in exchange for ownership interest;

(F) Royalties paid for use of copyright or trademarked property; and

(G) Any other gross revenue earned in the course of any business activity associated with the monorail or fixed guideway, its structure, passenger stations or other facilities.

"Gross revenue" does not include any tax on fuel or retail sales that is collected by the licensee.

"Master business license" means a license that allows the operation of multiple and diverse types of businesses by the owner or operator of a monorail or fixed guideway transportation system, comprised of one or more permanent structures, which ordinarily would require multiple, singular licenses. Liquor, gaming, room rental and all types of business activities which require background investigation for licensure or which for any other reason cannot be operated under a master license must, in accordance with applicable code requirements, be applied for and approved in addition to the above license.

To qualify for a master business license, compliance with all code requirements and any amendments thereto, including but not limited to, this chapter, zoning, building, fire and health must be met.

Businesses operated or owned by persons other than the owner or operator of the monorail or fixed guideway shall be licensed separately as required by applicable sections of this code.

"Monorail" means, as defined in NRS 705.650, a system to transport passengers that is installed and operated on an exclusive fixed guideway. The term:

(A) Includes associated passenger stations, power propulsion systems, lots for parking motor vehicles, workshops and other land and structures;

(B) Does not include a system to transport passengers between two end points with no intermediate stops.

"Operator" means a person who operates a monorail or fixed guideway transportation system.

"Owner" means a person who has the financial and technical capability to install and operate a monorail or fixed guideway transportation system and who has applied for a franchise or other agreement to do so.

"Person" means a natural person, any form of business or social organization and any other legal entity including, but not limited to, a corporation whether for profit or not for profit, partnership, association, trust, unincorporated organization, or the estate of a natural person.

(Ord. 2147 § 1 (part), 1998)

**6.14.030 Monorail master business license required.** It is unlawful for any person to operate a monorail or fixed guideway transportation system without first having obtained a monorail master business license issued by the director, after application and issuance in accordance with Titles 5 and 6 of this code. The license issued under this chapter is nontransferable.

Irrespective of any fares that may be charged to passengers riding a fixed guideway system, a person who is not required to obtain a franchise agreement for use of public rights-of-way in which the fixed guideway system operates, and is not affiliated with or connected to in any way with a franchisee licensed pursuant to this chapter and/or Chapter 5.04 of this code, shall not be required to be licensed under this chapter.

(Ord. 2147 § 1 (part), 1998)

**6.14.040 Application for monorail master business license.** The applicant shall apply and file for a monorail master business license on a form approved by the director and pay a nonrefundable application fee of five hundred dollars. A copy of the form shall also be filed with the director of administrative services as part of the application for a monorail franchise required under applicable provisions of Chapter 5.04 of this code.

(Ord. 2147 § 1 (part), 1998)

**6.14.050 Issuance or denial of a monorail master business license.** A monorail master business license may only be issued after approval by the board in conjunction with the board's approval of the monorail franchise if said franchise is required under Chapter 5.04 of this code, and after all other necessary approvals have been obtained. The board may deny a monorail master business license for any of the following reasons:

- (a) The application is incomplete or contains false, misleading or fraudulent statements with respect to any material information required;
- (b) The required business license fee has not been paid;
- (c) The operation, as proposed by the applicant, would not comply with all applicable laws, including, but not limited to, all requirements of this chapter, Chapter 5.04, and Clark County's building, fire, zoning, and health regulations;
- (d) The applicant fails to satisfy any qualification or requirement imposed by this code or other local, state or federal law or regulation pertaining to such activities; or
- (e) The applicant has been subject, in any jurisdiction, to disciplinary action of any kind with regard to the operation of a monorail or fixed guideway system to the extent that such disciplinary action reflects on the qualifications or fitness to hold a monorail master business license.

Upon approval by the board, if required and upon payment of all applicable license fees, the director shall issue a master monorail business license that shall be automatically renewable each year during the term of the monorail franchise, unless the monorail franchise and/or the monorail master business license itself are revoked or suspended by the board.

(Ord. 2147 § 1 (part), 1998)

**6.14.060 Quarterly master business license fee--Owners and/or operators.** (a) Every owner and/or operator of a monorail or fixed guideway transportation system within the county must have a valid unexpired monorail master business license issued pursuant to this chapter and pay a quarterly business license fee that shall be due not later than thirty calendar days after the end of each calendar quarter.

(b) The quarterly business license fee for an owner and/or operator of a monorail or fixed guideway transportation system licensed pursuant to this chapter that is required to obtain a franchise agreement pursuant to Chapter 5.04 of this code shall be:

(1) The greater of:

(A) The guaranteed minimum payment of twelve thousand five hundred dollars per quarter;

(B) Two percent of gross revenues less the amount paid for current debt service.

(C) The quarterly business license fee for an owner and/or operator of a monorail or fixed guideway transportation system licensed pursuant to this chapter that is not required to obtain a

franchise agreement pursuant to Chapter 5.04 of the Clark County Code will be two percent of gross revenues.

(Ord. 2147 § 1 (part), 1998)

**6.14.070 Delinquency in fee payments.** All monorail master business license fees shall become delinquent if not paid within fifteen days after the due date. If payment is made after fifteen days and before thirty days after the due date, five percent of the license fee shall be assessed as a penalty charge. All monorail master business licenses for which the fees have not been paid within thirty days after the due date shall be deemed automatically revoked. The license shall not be reinstated until the five percent penalty fee and a ten percent reinstatement fee shall have been paid. Upon nonrenewal for sixty days, the automatically revoked license is terminated without further action of the director or the board and may be reinstated only by the board upon the filing of an application for reinstatement with the director, a showing of good cause before the board, and payment of double the fees for the delinquent period. If renewal, reinstatement or application for reinstatement does not take place within ninety days following a licensed quarter-annual period, any application for licensure shall be processed as a new license application rather than a reinstatement. Any such new application must be accompanied by all outstanding license fees, penalties and interest due and owing pursuant to this chapter.

(Ord. 2147 § 1 (part), 1998)

**6.14.080 Security required.** Licensees shall post the security as required by Chapter 5.04 of this code. Failure to maintain security of the amount required by Chapter 5.04 of this code shall be cause for cancellation of the master monorail business license by the board and may result in the revocation of the monorail franchise.

(Ord. 2147 § 1 (part), 1998)

**6.14.090 Recordkeeping requirements--Reports--Audits.** Every licensee to which this chapter applies is required to maintain adequate records as described in Section 6.08.090 of this code and in accordance with generally accepted accounting principles. The licensee shall also provide the director with copies of the written annual reports required by and within the same time period as specified in Chapter 5.04 of this code. The department may audit the books and records of the licensee to determine the amounts due from any person licensed under this chapter and to determine compliance with the provisions of Title 6 and Chapter 5.04 of this code. The licensee has the right to appeal the audit results as described in Chapter 6.08 of this code. The audits, if required, shall be performed in accordance with the provisions of the franchise agreement and Chapters 5.04 and 6.08 of this code.

(Ord. 2147 § 1 (part), 1998)

**6.14.100 Criminal penalty for violation.** Every person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as provided in NRS Chapter 193.

(Ord. 2147 § 1 (part), 1998)

**6.14.110 Revocation, suspension, limitation and nonrenewal of monorail master business license.** Any monorail master business license issued under this chapter is subject to suspension, revocation, limitation and/or nonrenewal by the board, after notice and hearing, which notice and

hearing shall comply with the requirements of Chapter 8.08 of this code, if the board finds any of the following facts:

- (a) The licensee has violated any provision of this chapter or Chapter 5.04 of this code;
- (b) Any grounds exist which would have warranted the denial or issuance of such license upon original application as listed in Section 6.14.050;
- (c) The business has been conducted in an unlawful manner as defined in this code or the NRS;  
or
- (d) The conduct or activities of the licensee under the license constitutes a detriment to the public safety, morals, health or general welfare.

Any monorail master business license issued under this chapter is subject to automatic suspension, revocation, limitation, and/or nonrenewal by the board if the franchise agreement has been revoked, suspended, limited, and/or nonrenewed by the board pursuant to the provisions of Chapter 5.04 of this code.

(Ord. 2147 § 1 (part), 1998)