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ASSEMBLY BILL NO. 484—COMMITTEE ON  
GOVERNMENT AFFAIRS

MARCH 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Requires governing body of certain cities and counties to adopt ordinances regarding licensure of mobile and nonpermanent vehicle wash vendors and discharge of wastewater into sanitary sewers by such vendors. (BDR 20-1303)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to local government; requiring the governing body of certain cities and counties to adopt ordinances regarding licensure of mobile and nonpermanent vehicle wash vendors; the discharge of wastewater into sanitary sewers by such vendors; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 244 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. The board of county commissioners of a county whose***  
4     ***population is 100,000 or more shall adopt an ordinance that***  
5     ***specifies the requirements for a person to obtain a license to***  
6     ***provide services as a mobile vehicle wash vendor or a***  
7     ***nonpermanent vehicle wash vendor. The ordinance must***  
8     ***establish, with respect to such vendors:***  
9     ***(a) The type of system that must be used for the continual***  
10    ***recovery of wastewater during the process of washing vehicles;***



\* A B 4 8 4 \*

1 (b) *The specific method that must be used to remove and*  
2 *capture pollutants from the wastewater which is generated during*  
3 *the process of washing vehicles;*

4 (c) *The manner in which wastewater generated during the*  
5 *process of washing vehicles will, after the removal and capture of*  
6 *pollutants, be discharged into a sanitary sewer; and*

7 (d) *The method by which pollutants that are captured as*  
8 *described in paragraph (b) must be disposed of in accordance with*  
9 *applicable county ordinances and other applicable laws.*

10 2. *A violation of an ordinance adopted pursuant to this*  
11 *section is a misdemeanor.*

12 3. *As used in this section:*

13 (a) *“Mobile vehicle wash vendor” means a person who*  
14 *performs the service of washing vehicles, which service is*  
15 *performed from the person’s vehicle or at another nonstationary*  
16 *facility. The term does not include a person or entity, including,*  
17 *without limitation, a scholastic, religious or community*  
18 *organization, that washes vehicles for charitable purposes or to*  
19 *raise funds for charitable purposes.*

20 (b) *“Nonpermanent vehicle wash vendor” means a person who*  
21 *performs the service of washing vehicles, which service is*  
22 *performed at a stationary facility at which the primary business is*  
23 *not the provision of the service of washing vehicles. The term does*  
24 *not include a person or entity, including, without limitation, a*  
25 *scholastic, religious or community organization, that washes*  
26 *vehicles for charitable purposes or to raise funds for charitable*  
27 *purposes.*

28 (c) *“Pollutant” has the meaning ascribed to it in NRS*  
29 *244A.483.*

30 (d) *“Wastewater” means water which, as a result of*  
31 *commercial or industrial use, contains physical, chemical or*  
32 *biological impurities.*

33 **Sec. 2.** NRS 244.335 is hereby amended to read as follows:

34 244.335 1. Except as otherwise provided in subsection 2, the  
35 board of county commissioners may:

36 (a) Regulate all character of lawful trades, callings, industries,  
37 occupations, professions and business conducted in its county  
38 outside of the limits of incorporated cities and towns.

39 (b) Except as otherwise provided in NRS 244.3359 and 576.128,  
40 fix, impose and collect a license tax for revenue or for regulation, or  
41 for both revenue and regulation, on such trades, callings, industries,  
42 occupations, professions and business.

43 2. The county license boards have the exclusive power in their  
44 respective counties to regulate entertainers employed by an  
45 entertainment by referral service and the business of conducting a



1 dancing hall, escort service, entertainment by referral service or  
2 gambling game or device permitted by law, outside of an  
3 incorporated city. The county license boards may fix, impose and  
4 collect license taxes for revenue or for regulation, or for both  
5 revenue and regulation, on such employment and businesses.

6 3. No license to engage in any type of business may be granted  
7 unless the applicant for the license signs an affidavit affirming that  
8 the business has complied with the provisions of chapter 364A of  
9 NRS. The county license board shall provide upon request an  
10 application for a business license pursuant to chapter 364A of NRS.

11 4. No license to engage in business as a seller of tangible  
12 personal property may be granted unless the applicant for the license  
13 presents written evidence that:

14 (a) The Department of Taxation has issued or will issue a permit  
15 for this activity, and this evidence clearly identifies the business by  
16 name; or

17 (b) Another regulatory agency of the State has issued or will  
18 issue a license required for this activity.

19 5. *In a county whose population is 100,000 or more, no*  
20 *license to engage in the business of providing services as a mobile*  
21 *vehicle wash vendor or a nonpermanent vehicle wash vendor may*  
22 *be granted unless the applicant for the license signs an affidavit*  
23 *affirming that he:*

24 (a) *Understands the applicable laws relating to the discharge*  
25 *of wastewater which is generated during the process of washing*  
26 *vehicles; and*

27 (b) *Will comply with the provisions of any ordinance adopted*  
28 *pursuant to section 1 of this act.*

29 6. Any license tax levied for the purposes of NRS 244.3358 or  
30 244A.597 to 244A.655, inclusive, constitutes a lien upon the real  
31 and personal property of the business upon which the tax was levied  
32 until the tax is paid. The lien has the same priority as a lien for  
33 general taxes. The lien must be enforced in the following manner:

34 (a) By recording in the office of the county recorder, within 6  
35 months after the date on which the tax became delinquent or was  
36 otherwise determined to be due and owing, a notice of the tax lien  
37 containing the following:

- 38 (1) The amount of tax due and the appropriate year;
- 39 (2) The name of the record owner of the property;
- 40 (3) A description of the property sufficient for identification;

41 and

42 (4) A verification by the oath of any member of the board of  
43 county commissioners or the county fair and recreation board; and

44 (b) By an action for foreclosure against the property in the same  
45 manner as an action for foreclosure of any other lien, commenced



1 within 2 years after the date of recording of the notice of the tax  
2 lien, and accompanied by appropriate notice to other lienholders.  
3 ~~[6.]~~ 7. The board of county commissioners may delegate the  
4 authority to enforce liens from taxes levied for the purposes of NRS  
5 244A.597 to 244A.655, inclusive, to the county fair and recreation  
6 board. If the authority is so delegated, the board of county  
7 commissioners shall revoke or suspend the license of a business  
8 upon certification by the county fair and recreation board that the  
9 license tax has become delinquent, and shall not reinstate the license  
10 until the tax is paid. Except as otherwise provided in NRS 244.3357,  
11 all information concerning license taxes levied by an ordinance  
12 authorized by this section or other information concerning the  
13 business affairs or operation of any licensee obtained as a result of  
14 the payment of such license taxes or as the result of any audit or  
15 examination of the books by any authorized employee of a county  
16 fair and recreation board of the county for any license tax levied for  
17 the purpose of NRS 244A.597 to 244A.655, inclusive, is  
18 confidential and must not be disclosed by any member, officer or  
19 employee of the county fair and recreation board or the county  
20 imposing the license tax unless the disclosure is authorized by the  
21 affirmative action of a majority of the members of the appropriate  
22 county fair and recreation board. Continuing disclosure may be so  
23 authorized under an agreement with the Department of Taxation for  
24 the exchange of information concerning taxpayers.

- 25 **8. As used in this section:**  
26 (a) *“Mobile vehicle wash vendor” has the meaning ascribed to*  
27 *it in section 1 of this act.*  
28 (b) *“Nonpermanent vehicle wash vendor” has the meaning*  
29 *ascribed to it in section 1 of this act.*  
30 (c) *“Wastewater” has the meaning ascribed to it in section 1 of*  
31 *this act.*

32 **Sec. 3.** Chapter 268 of NRS is hereby amended by adding  
33 thereto a new section to read as follows:

34 **1. The governing body of an incorporated city whose**  
35 **population is 60,000 or more shall adopt an ordinance that**  
36 **specifies the requirements for a person to obtain a license to**  
37 **provide services as a mobile vehicle wash vendor or a**  
38 **nonpermanent vehicle wash vendor. The ordinance must**  
39 **establish, with respect to such vendors:**

- 40 (a) *The type of system that must be used for the continual*  
41 *recovery of wastewater during the process of washing vehicles;*  
42 (b) *The specific method that must be used to remove and*  
43 *capture pollutants from the wastewater which is generated during*  
44 *the process of washing vehicles;*



1 (c) *The manner in which wastewater generated during the*  
2 *process of washing vehicles will, after the removal and capture of*  
3 *pollutants, be discharged into a sanitary sewer; and*

4 (d) *The method by which pollutants that are captured as*  
5 *described in paragraph (b) must be disposed of in accordance with*  
6 *applicable city ordinances and other applicable laws.*

7 2. *A violation of an ordinance adopted pursuant to this*  
8 *section is a misdemeanor.*

9 3. *As used in this section:*

10 (a) *“Mobile vehicle wash vendor” means a person who*  
11 *performs the service of washing vehicles, which service is*  
12 *performed from the person’s vehicle or at another nonstationary*  
13 *facility. The term does not include a person or entity, including,*  
14 *without limitation, a scholastic, religious or community*  
15 *organization, that washes vehicles for charitable purposes or to*  
16 *raise funds for charitable purposes.*

17 (b) *“Nonpermanent vehicle wash vendor” means a person who*  
18 *performs the service of washing vehicles, which service is*  
19 *performed at a stationary facility at which the primary business is*  
20 *not the provision of the service of washing vehicles. The term does*  
21 *not include a person or entity, including, without limitation, a*  
22 *scholastic, religious or community organization, that washes*  
23 *vehicles for charitable purposes or to raise funds for charitable*  
24 *purposes.*

25 (c) *“Pollutant” has the meaning ascribed to it in*  
26 *NRS 244A.483.*

27 (d) *“Wastewater” means water which, as a result of*  
28 *commercial or industrial use, contains physical, chemical or*  
29 *biological impurities.*

30 **Sec. 4.** NRS 268.095 is hereby amended to read as follows:

31 268.095 1. The city council or other governing body of each  
32 incorporated city in this state, whether organized under general law  
33 or special charter, may:

34 (a) Except as otherwise provided in NRS 268.0968 and 576.128,  
35 fix, impose and collect for revenues or for regulation, or both, a  
36 license tax on all character of lawful trades, callings, industries,  
37 occupations, professions and businesses conducted within its  
38 corporate limits.

39 (b) Assign the proceeds of any one or more of such license taxes  
40 to the county within which the city is situated for the purpose or  
41 purposes of making the proceeds available to the county:

42 (1) As a pledge as additional security for the payment of any  
43 general obligation bonds issued pursuant to NRS 244A.597 to  
44 244A.655, inclusive;



- 1 (2) For redeeming any general obligation bonds issued
- 2 pursuant to NRS 244A.597 to 244A.655, inclusive;
- 3 (3) For defraying the costs of collecting or otherwise
- 4 administering any such license tax so assigned, of the county fair
- 5 and recreation board and of officers, agents and employees hired
- 6 thereby, and of incidentals incurred thereby;
- 7 (4) For operating and maintaining recreational facilities
- 8 under the jurisdiction of the county fair and recreation board;
- 9 (5) For improving, extending and bettering recreational
- 10 facilities authorized by NRS 244A.597 to 244A.655, inclusive; and
- 11 (6) For constructing, purchasing or otherwise acquiring such
- 12 recreational facilities.
- 13 (c) Pledge the proceeds of any tax imposed on the revenues from
- 14 the rental of transient lodging pursuant to this section for the
- 15 payment of any general or special obligations issued by the city for
- 16 a purpose authorized by the laws of this state.
- 17 (d) Use the proceeds of any tax imposed pursuant to this section
- 18 on the revenues from the rental of transient lodging:
- 19 (1) To pay the principal, interest or any other indebtedness
- 20 on any general or special obligations issued by the city pursuant to
- 21 the laws of this state;
- 22 (2) For the expense of operating or maintaining, or both, any
- 23 facilities of the city; and
- 24 (3) For any other purpose for which other money of the city
- 25 may be used.
- 26 2. The proceeds of any tax imposed pursuant to this section
- 27 that are pledged for the repayment of general obligations may be
- 28 treated as "pledged revenues" for the purposes of NRS 350.020.
- 29 3. No license to engage in any type of business may be granted
- 30 unless the applicant for the license signs an affidavit affirming that
- 31 the business has complied with the provisions of chapter 364A of
- 32 NRS. The city licensing agency shall provide upon request an
- 33 application for a business license pursuant to chapter 364A of NRS.
- 34 4. No license to engage in business as a seller of tangible
- 35 personal property may be granted unless the applicant for the license
- 36 presents written evidence that:
- 37 (a) The Department of Taxation has issued or will issue a permit
- 38 for this activity, and this evidence clearly identifies the business by
- 39 name; or
- 40 (b) Another regulatory agency of the State has issued or will
- 41 issue a license required for this activity.
- 42 5. *In an incorporated city whose population is 60,000 or*
- 43 *more, no license to engage in the business of providing services as*
- 44 *a mobile vehicle wash vendor or a nonpermanent vehicle wash*



1 *vendor may be granted unless the applicant for the license signs*  
2 *an affidavit affirming that he:*

3 *(a) Understands the applicable laws relating to the discharge*  
4 *of wastewater which is generated during the process of washing*  
5 *vehicles; and*

6 *(b) Will comply with the provisions of any ordinance adopted*  
7 *pursuant to section 3 of this act.*

8 **6.** Any license tax levied under the provisions of this section  
9 constitutes a lien upon the real and personal property of the business  
10 upon which the tax was levied until the tax is paid. The lien has the  
11 same priority as a lien for general taxes. The lien must be enforced  
12 in the following manner:

13 (a) By recording in the office of the county recorder, within 6  
14 months following the date on which the tax became delinquent or  
15 was otherwise determined to be due and owing, a notice of the tax  
16 lien containing the following:

- 17 (1) The amount of tax due and the appropriate year;  
18 (2) The name of the record owner of the property;  
19 (3) A description of the property sufficient for identification;  
20 and

21 (4) A verification by the oath of any member of the board of  
22 county commissioners or the county fair and recreation board; and

23 (b) By an action for foreclosure against such property in the  
24 same manner as an action for foreclosure of any other lien,  
25 commenced within 2 years after the date of recording of the notice  
26 of the tax lien, and accompanied by appropriate notice to other  
27 lienholders.

28 ~~[6.]~~ **7.** The city council or other governing body of each  
29 incorporated city may delegate the power and authority to enforce  
30 such liens to the county fair and recreation board. If the authority is  
31 so delegated, the governing body shall revoke or suspend the license  
32 of a business upon certification by the board that the license tax has  
33 become delinquent, and shall not reinstate the license until the tax is  
34 paid. Except as otherwise provided in NRS 268.0966, all  
35 information concerning license taxes levied by an ordinance  
36 authorized by this section or other information concerning the  
37 business affairs or operation of any licensee obtained as a result of  
38 the payment of those license taxes or as the result of any audit or  
39 examination of the books of the city by any authorized employee of  
40 a county fair and recreation board for any license tax levied for the  
41 purpose of NRS 244A.597 to 244A.655, inclusive, is confidential  
42 and must not be disclosed by any member, official or employee of  
43 the county fair and recreation board or the city imposing the license  
44 tax unless the disclosure is authorized by the affirmative action of a  
45 majority of the members of the appropriate county fair and



1 recreation board. Continuing disclosure may be so authorized under  
2 an agreement with the Department of Taxation for the exchange of  
3 information concerning taxpayers.

4 ~~7.1~~ 8. The powers conferred by this section are in addition and  
5 supplemental to, and not in substitution for, and the limitations  
6 imposed by this section do not affect the powers conferred by, any  
7 other law. No part of this section repeals or affects any other law or  
8 any part thereof, it being intended that this section provide a  
9 separate method of accomplishing its objectives, and not an  
10 exclusive one.

11 **9. As used in this section:**

12 (a) *“Mobile vehicle wash vendor” has the meaning ascribed to*  
13 *it in section 3 of this act.*

14 (b) *“Nonpermanent vehicle wash vendor” has the meaning*  
15 *ascribed to it in section 3 of this act.*

16 (c) *“Wastewater” has the meaning ascribed to it in section 3 of*  
17 *this act.*

