



*Las Vegas*

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: DECEMBER 20, 2006**

**DEPARTMENT:** CITY MANAGER  
**DIRECTOR:** DOUGLAS A. SELBY

Consent  Discussion

**SUBJECT:**  
**ADMINISTRATIVE:**

Report and possible action on the recent Clean Air Act amendment to the Nevada Revised Statutes and subsequent challenge to its constitutionality filed in District Court by several local business owners in Ward

**Fiscal Impact:**

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

**PURPOSE/BACKGROUND:**

A group of local business owners on December 6, 2006, filed a challenge in District Court to the constitutionality of Question 5 (the Clean Indoor Air Act of anti-smoking initiative) that voters approved in November with a 70% approval rate. The new smoking restrictions were slated to take effect on December 8, 2006. A temporary injunction has been issued by the District Court.

The smoking ban will impact approximately 328 businesses licensed by the City of Las Vegas: 253 taverns which have restaurants, 12 restaurants/service bars where alcohol is served by staff with meals, no bars for self service and 63 active supper clubs (55/45 food to alcohol sales).

Existing supper clubs licensed by the City cannot, on their own, convert their business to a tavern to accommodate smokers. To convert from a supper club to a tavern would require a supper club to get City Council approval for a new Tavern Special Use Permit.

Section 2, paragraph 7 of the amendment places enforcement of its provision on the Health authorities, police officers of cities or towns, the Sheriff and their deputies. There is no provision for enforcement by business licensing entities or code enforcement officers.

**RECOMMENDATION:**

Receive report and direct staff accordingly

**BACKUP DOCUMENTATION:**

None

Motion made by GARY REESE to Approve to receive the report

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Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,  
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

Minutes:

CITY ATTORNEY JERBIC advised that shortly after the Clean Indoor Air Act passed in November a legal challenge to its constitutionality was filed. The Judge presiding over the case ordered the attorneys to return to court at 3:00 p.m. that afternoon for his decision.