



Las Vegas

Agenda Item No.: 5.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 15, 2008

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
NEW BILL

Bill No. 2008-20 Establishes additional licensing requirements and regulations applicable to wedding chapels. Sponsors: Councilman Gary Reese

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will establish additional licensing requirements and regulations applicable to wedding chapels, including certain restrictions on solicitation activities and the classification of the wedding chapel license category as a privileged license.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2008-20
2. Business Impact Statement
3. Submitted at meeting - Support letter by Cliff Evarts

Motion made by RICKI Y. BARLOW to Hold in Abeyance 5/20/2008

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED presented this matter on behalf of CITY ATTORNEY BRAD JERBIC, who could not be present. He explained that the ordinance was requested by COUNCILMAN REESE in response to the situation with A Garden of Love wedding chapel. The ordinance would require new licensees to apply for a privileged license, for

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which a background check would have to be done, that would have to be considered by Council for approval. This would reinforce the need for those that act on behalf of chapels to comply with City Code.

COUNCILWOMAN TARKANIAN interjected and clarified that any new verbiage in the ordinance was underlined. CHIEF DEPUTY CITY ATTORNEY STEED explicated that added sections and any language underlined is considered new.

CHIEF DEPUTY CITY ATTORNEY STEED continued with the requirements of the proposed ordinance. It prohibits solicitation within 100 feet of the entrance of the Marriage Bureau between the hours of 7:00 a.m. to 12:00 a.m., because of problems caused by A Garden of Love wedding chapel. This requirement parallels the intent of State law to prohibit solicitation on county courthouse property. In accordance with State law, input was sought from licensees, some of whom responded that the distance limitations should be more restrictive. However, staff and COUNCILMAN REESE believe that some solicitation should be permitted.

CHIEF DEPUTY CITY ATTORNEY STEED suggested the Committee allow public comment, but that the item be held until the recommending Committee 6/2008 so that CITY ATTORNEY JERBIC could appear and make detailed comments. He also requested the Council proceedings regarding A Garden of Love wedding chapel be incorporated in this record.

GARY PECK, Executive Director of the American Civil Liberties Union of Nevada, 732 S. Sixth Street, expressed serious objection to the bill, opining that requiring a privileged license would raise serious problems that would impede litigation, due to the religious aspect involved. Some people that perform marriages belong to religious faiths and organizations. The idea that the government is going to run background checks to determine whether these people "qualify" is a serious problem that raises serious constitutional issues, including the requirement that these people establish the validity of their faith. It is not for the government to make those inquiries. It should suffice for an authorized person to perform marriages to declare that he/she is qualified to perform marriages, and not for government to make that decision. He noted that Martin Luther King, Jr., probably would not be allowed to perform marriages under this ordinance, because he was arrested many times, and there are many pastors that have been arrested before becoming members of the clergy.

Lastly, he expressed concern about the 100-foot restriction, because of where it might place people relative to the marriage bureau. He suggested the opportunity for more discussion be provided.

CLIFF EVARTS, Vegas Wedding Chapel, pointed out that members of the clergy are registered with the County Clerk, which is the authorizing entity. This bill does not propose to govern them. He supported requiring a privileged license for chapels, because it would help solve serious problems that have occurred, which have negatively impacted the industry. It received a lot of negative publicity throughout the country. Also, people that perform marriages are privy to personal information, which opens the door for identity theft by unscrupulous people. Background checks are essential for the protection of customers; the industry does not need

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any more scandals. The 100-foot restriction will help enforcement of solicitation activity. He strongly supported more regulation, and distributed copies of a support letter dated February 29, 2008, that he sent to JIM DiFIORE, Manager of Business Services, a copy of which is included in the minutes.

JASON MYERS and DAVID FOOTE, owners of the Chapel of the Flowers, and JONI MOSS, Vice President, Nevada Wedding Association, concurred with the comments of MR. EVARTS and supported the proposed ordinance. MS. MOSS added that the distance requirement should be increased.

REVEREND STEPHEN SMITH agreed with the 100-foot distance requirement, in order to create a safety zone for couples. However, as a minister who performs weddings and hopes to be able to perform weddings soon on carriages, he expressed concern on the broadness of the proposed rules. He often refers couples to Cupid Wedding Chapel, would that make him guilty of solicitation? Also, would he have to obtain a license for every establishment for which he performs weddings? The City should be targeting the "handbillers" (solicitors).

WILMA HERRERA, owner of Azure Wedding Chapel, supported the dissemination of handbills, as long as the couples are not harassed. The couples can then have more information and decide where to get married. She employs a lot of homeless people to pass out handbills to help them out, but she always emphasizes to them to keep their hand just pass out the handbills. She is not concerned about the legitimacy of the ministers because they are ordained to her chapel.

CIERRA BALDERRAMA remarked that she has been in the chapel business for five years and she has never been privy to information, such as a social security number, from any person wishing to get married. So the possibility of identifying them should not even be a consideration. MS. HERRERA agreed with MS. BALDERRAMA that personal information is not given to solicitors; they only coordinate. MR. EVARTS persisted that one of the two documents required must have a social security number. Also, couples show a driver's license.

SHERRIE KLUTE, owner of Stained Glass Wedding Chapel, said that, as a minister, Clark County deemed her business to be a church; therefore, she was not required to obtain a license. Nevertheless, she would undergo the process to come into compliance. She supported the distance requirement and urged the Committee to also add language enforcing a dress code and possession of an I.D. badge. All these regulations will improve the industry. However, she opposed the requirement to obtain a privileged license, stating that it would interfere with separation of church and state and the Civil Rights Bill. The biggest offender in the business was shut down, and that alone was a big improvement to the industry.

MR. PECK emphasized that he was not unmindful of the concerns expressed. But, regarding the 100-foot rule, he would like to see where that would be in relation to the building. It may be permitted under free speech. Regarding the privileged license requirement, the courts are not going to accept the argument that the regulation is good for business or for Las Vegas. He urged the City to reconsider and deal with some of the issues mentioned in different ways. MS.

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KLUTE agreed that the issues need to be narrowed down to "handbillers," not advertisers, in front of the courthouse.

REVEREND SMITH objected to requiring work cards, stating that he has been involved in passing out flyers to the homeless to invite them to church, and he was almost cited for doing that. He was only trying to help the homeless.

JUPITER DESPHY, ordained minister at Heavenly Bliss Wedding Chapel, said he believes in redemption, forgiveness, and that a person should be given the liberty to operate a business regardless of his/her past. But repeat offenders should be dealt with and put out of business, and it should not take four years to put a bad business out of business. However, he strongly believes bad businesses could be shut down without infringing on anyone's constitutional rights. He adamantly objected to the 100-foot rule, it is impractical, in his opinion, as people disseminating handbills would have to run in circles, because of the way the courthouse is set up. The chapel industry needs to build a reputation on the work they do.

MS. BALDERRAMA interjected that the 100-foot requirement would put "handbillers" in the street, where it is illegal to pass out handbills.

COUNCILWOMAN TARKANIAN said many good points were made. She suggested to CHIEF DEPUTY CITY ATTORNEY STEED that an audiotope arrangement be provided to CITY ATTORNEY JERBIC.

CHIEF DEPUTY CITY ATTORNEY STEED clarified that this bill does not add anything new with regard to soliciting and handbilling. It is already covered in the Las Vegas Municipal Code under Chapter 6 to serve as a reminder for those that act on behalf of wedding chapel operators and owners that their agents and employees have to follow the existing rules. Moreover, this bill does not include an expansion on who has to obtain a license. It merely requires existing and future universal wedding chapels to obtain a privileged license. The City does not license churches or ministers. By state law, licensing of ministers falls under the purview of the County, and the County Clerk is required to make inquiries into the qualifications and backgrounds of those wishing to obtain permission to perform marriages. But the City can license chapels, even if owned/operated by a minister.

COUNCILMAN BARLOW asked how the proposed 100-foot rule could be increased, to which CHIEF DEPUTY CITY ATTORNEY STEED answered that an amendment could be made by way of request of a Council member. COUNCILMAN BARLOW also asked if the proposed distance requirement respects the right to free speech on sidewalks. CHIEF DEPUTY CITY ATTORNEY STEED indicated reasonable restrictions could be imposed on sidewalks without violating the right to free speech.

COUNCILMAN BARLOW opted to hold this matter in abeyance longer than requested, because he felt that a committee should be formed in the interim to try and reach a consensus on an ordinance.

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COUNCILWOMAN TARKANIAN directed CHIEF DEPUTY CITY ATTORNEY STEED to relay COUNCILMAN BARLOW'S suggestion to CITY ATTORNEY JERBIC. COUNCILMAN BARLOW emphasized that a consensus would be in the best interest of the City.

See Item 7 for related discussion.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

