



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 2008

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT: ABEYANCE ITEM - Bill No. 2008-20 Establishes additional licensing requirements and regulations applicable to wedding chapels. Sponsored by: 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:

ABEYANCE to 6/17/2008 Recommending Committee meeting by the 5/20/2008 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 Copy of Proposed First Amendment

Motion made by LOIS TARKANIAN to Approve as Do Pass with a First Amendment

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.

With copies of the Proposed First Amendment made available to those in attendance, CITY ATTORNEY BRAD JERBIC, provided specific details regarding the revisions to Bill No. 2008-20. With regard to the privileged license, he stated that this will be a requirement for all new wedding chapel operators.

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In the case of existing licenses soon to expire, CITY ATTORNEY JERBIC explained that BUSINESS SERVICES MANAGER JIM DiFIORE will have the discretionary ability to determine whether a privileged license is required or not. That discretion will be based on whether there is cause for concern, i.e., criminal charges for aiding and abetting or any prior offense or prosecution.

COUNCILMAN BARLOW asked what the penalty would be for violation of the law. Depending on the severity of the offense, CITY ATTORNEY JERBIC stated that an individual may receive up to six months of jail time and possibly a fine, again depending on whether there is cause for concern. With regard to COUNCILMAN BARLOW'S question as to chapels being held responsible for their employees' actions, CITY ATTORNEY JERBIC replied that if there is a case of chronic conduct, and a finding that the rules and regulations were not abided by, the Council could refuse the privileged license.

With regard to the distance allowance, CITY ATTORNEY JERBIC noted that the initial 100 foot separation did not regulate the street areas. He referred to an illustration he had drawn and which is referred to as Exhibit A of the Proposed First Amendment. The illustration also indicates the areas owned by the City of Las Vegas and by Clark County. Without getting into the full context of the First Amendment, CITY ATTORNEY JERBIC stated that its purpose is to define and regulate solicitation zones in an effort to eliminate confrontations, threats and harassment of potential clients as well as competitors while still allowing handbillers to distribute their brochures providing the vendors within the designated zones. Additionally, CITY ATTORNEY JERBIC noted that SHIRLEY MARRAQUIRRE, Clark County Clerk, offered to have handbill racks installed.

CITY ATTORNEY BRAD JERBIC recommended to pass.

MR. DiFIORE was asked to comment on the areas where handbillers are allowed and he confirmed that the location is defined as previously indicated by CITY ATTORNEY JERBIC and the restricted hours are regulated by the City of Las Vegas Municipal Code.

CHIEF DEPUTY CITY ATTORNEY VAL STEED reiterated that the map reflecting the separation zones are included as an attachment to the Proposed First Amendment. CITY ATTORNEY JERBIC acknowledged that the designated zones would be indicated by painted areas.

JUPITER DESPHY, Heavenly Bliss Wedding Chapel, spoke in support of using handbillers. He expressed his concern stating that wedding chapels have first amendment rights and if taken away, would be morally wrong.

CITY ATTORNEY JERBIC stated that technically if this is a government-related instance, then government has the ability to restrict.

Referring to the handbillers, COUNCILMAN BARLOW stated that the owner/operator who hires an individual is ultimately responsible to ensure that the handbiller abides by the rules and

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regulations.

CLIFF EVARTS, Vegas Wedding Chapel, stated that he does not have handbillers but he would support the ordinance. He noted that the rules have changed many times, but he will always comply with what the City wants.

JONI MOSS, Nevada Wedding Association, agreed with MR. EVARTS comments and felt the ordinance will work for the small chapels as long as it is enforced.

With COUNCILMAN BARLOW stating that he has received a number of emails from several wedding chapel operators, CITY ATTORNEY JERBIC also acknowledged meeting with several solicitors. To ensure there was an opportunity for everyone to participate at the public hearing, they were invited to attend this meeting.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

