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SECOND AMENDMENT

BILL NO. 2009-32

ORDINANCE NO. _____

AN ORDINANCE RELATING TO BUSINESS LICENSING; AUTHORIZING UNDER CERTAIN CIRCUMSTANCES THE ADMINISTRATIVE EXTENSION OF TEMPORARY LICENSING APPROVAL AND THE ADMINISTRATIVE REINSTATEMENT OF ALCOHOLIC BEVERAGE LICENSES SUSPENDED OR REVOKED FOR NONPAYMENT OF LICENSE FEES; CLARIFYING THE STATUS AND NATURE OF TEMPORARY LICENSES; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney	Summary: Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees, and clarifies the status and nature of temporary licenses.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 35, reading as follows:

6.02.035: (A) Notwithstanding any other provision of this Title, the Director shall have the authority to extend temporary licensing approval beyond that otherwise available under this Title in cases where unforeseen circumstances, such as technical or agenda-related difficulties, prevent Council action from being taken in a timely fashion. Unless the circumstances otherwise dictate, the extension of temporary licensing approval shall not extend beyond the next occasion at which Council consideration can properly take place.

(B) No temporary license issued under this Title may be sold, transferred or assigned while under temporary status.

(C) The holder of a license under temporary status may request that the license be withdrawn or put into inactive or non-operational status, but the request shall not be deemed granted until affirmative action to do so has been taken by the Director.

1 SECTION 2: Title 6, Chapter 50, Section 370, of the Municipal Code of the City
2 of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.50.370:** (A) Each semiannual fee is due in advance on April 1st and October 1st in each
4 year except that the applicant for a new alcoholic beverage license who starts business between
5 April 1st and October 1st or between October 1st and April 1st shall have its semiannual fees
6 prorated on a monthly basis.

7 (B) Any semiannual fee which is not received by the Department on or before
8 the due date shall be assessed a late-payment penalty in an amount equal to ten percent of the
9 amount of such semiannual fee. If the semiannual fee and penalty is not received by the
10 Department within fifteen days after the due date, an additional penalty in an amount equal to
11 twenty-five percent of such semiannual fee shall be assessed. If the semiannual fee and all
12 penalties are not received by the Department within sixty days after the due date, the license shall
13 be automatically ~~[revoked.]~~suspended.

14 (C) A license that has been suspended for nonpayment of license fees and
15 penalties may be reinstated by the Director to full standing if the licensee pays the delinquent
16 license fees and penalties, plus an additional reinstatement fee in an amount equal to one-half of
17 the semiannual license fee for such business. The reinstatement fee is exclusive of the regular
18 semiannual alcoholic beverage license fee for that license. The fees and penalties required to be
19 paid pursuant to this Subsection (C) shall be paid not later than ten calendar days following the
20 date of suspension of the license or, if the tenth day falls on a weekend or holiday, the next
21 business day. The license shall be deemed automatically revoked if such fees and penalties are
22 not paid in accordance with this Section.

23 (D) A license that, under a previous version of this Section, was automatically
24 revoked for nonpayment of license fees and penalties may be reinstated by the Director to full
25 standing if the licensee, within sixty days after the revocation, pays the delinquent license fees and
26 penalties, plus an additional reinstatement fee in an amount equal to the semiannual license fee for
27 such business. The reinstatement fee is exclusive of the regular semiannual alcoholic beverage
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1 license fee for that license.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this _____ day of _____,
14 2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

19 BEVERLY K. BRIDGES, CMC
20 City Clerk

APPROVED AS TO FORM:

22 _____ Date _____

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at
6 said _____ meeting, the proposed ordinance was read by title to the City
7 Council as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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16 _____
BEVERLY K. BRIDGES, CMC
17 City Clerk

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THIRD AMENDMENT

BILL NO. 2009-32

ORDINANCE NO. _____

AN ORDINANCE RELATING TO BUSINESS LICENSING; AUTHORIZING UNDER CERTAIN CIRCUMSTANCES THE ADMINISTRATIVE EXTENSION OF TEMPORARY LICENSING APPROVAL AND THE ADMINISTRATIVE REINSTATEMENT OF ALCOHOLIC BEVERAGE LICENSES SUSPENDED OR REVOKED FOR NONPAYMENT OF LICENSE FEES; CLARIFYING THE STATUS AND NATURE OF TEMPORARY LICENSES; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney	Summary: Authorizes under certain circumstances the administrative extension of temporary licensing approval and the administrative reinstatement of alcoholic beverage licenses suspended or revoked for nonpayment of license fees, and clarifies the status and nature of temporary licenses.
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THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 35, reading as follows:

6.02.035: (A) Notwithstanding any other provision of this Title, the Director shall have the authority to extend temporary licensing approval beyond that otherwise available under this Title in cases where unforeseen circumstances, such as technical or agenda-related difficulties, prevent Council action from being taken in a timely fashion. Unless the circumstances otherwise dictate, the extension of temporary licensing approval shall not extend beyond the next occasion at which Council consideration can properly take place.

(B) No temporary license issued under this Title may be sold, transferred or assigned while under temporary status.

(C) The holder of a license under temporary status may request that the license be withdrawn or put into inactive or non-operational status, but the request shall not be deemed granted until affirmative action to do so has been taken by the Director.

1 SECTION 2: Title 6, Chapter 50, Section 370, of the Municipal Code of the City
2 of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.50.370:** (A) Each semiannual fee is due in advance on April 1st and October 1st in each
4 year except that the applicant for a new alcoholic beverage license who starts business between
5 April 1st and October 1st or between October 1st and April 1st shall have its semiannual fees
6 prorated on a monthly basis.

7 (B) Any semiannual fee which is not received by the Department on or before
8 the due date shall be assessed a late-payment penalty in an amount equal to ten percent of the
9 amount of such semiannual fee. If the semiannual fee and penalty is not received by the
10 Department within fifteen days after the due date, an additional penalty in an amount equal to
11 twenty-five percent of such semiannual fee shall be assessed. If the semiannual fee and all
12 penalties are not received by the Department within sixty days after the due date, the license shall
13 be automatically ~~[revoked.]~~suspended.

14 (C) A license that has been suspended for nonpayment of license fees and
15 penalties may be reinstated by the Director to full standing if the licensee pays the delinquent
16 license fees and penalties, plus an additional reinstatement fee in an amount equal to one-half of
17 the semiannual license fee for such business. The reinstatement fee is exclusive of the regular
18 semiannual alcoholic beverage license fee for that license. The fees and penalties required to be
19 paid pursuant to this Subsection (C) shall be paid not later than ten calendar days following the
20 date of suspension of the license or, if the tenth day falls on a weekend or holiday, the next
21 business day. The license shall be deemed automatically revoked if such fees and penalties are
22 not paid in accordance with this Section.

23 SECTION 3: A license that was automatically revoked for nonpayment of license
24 fees and penalties under LVMC 6.50.370, as it existed just before the effective date of this
25 Ordinance, may be reinstated by the Director to full standing if the licensee, within ninety days
26 after the revocation, pays the delinquent license fees and penalties, plus an additional
27 reinstatement fee in an amount equal to the semiannual license fee for such business. The
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reinstatement fee is exclusive of the regular semiannual alcoholic beverage license fee for that license.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____,
2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at
6 said _____ meeting, the proposed ordinance was read by title to the City
7 Council as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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15 ATTEST:

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16 BEVERLY K. BRIDGES, CMC
17 City Clerk

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