

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; 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.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6, Chapter 2, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.030: It shall be the duty of the Director to administer the provisions of this Title unless provided otherwise herein. 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.

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

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

(B) Any semiannual fee which is not received by the Department on or before the due date shall be assessed a late-payment penalty in an amount equal to ten percent of the amount of

1 such semiannual fee. If the semiannual fee and penalty is not received by the Department within
2 fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such
3 semiannual fee shall be assessed. If the semiannual fee and all penalties are not received by the
4 Department within sixty days after the due date, the license shall be automatically
5 ~~[revoked.]~~suspended.

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

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

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

28 . . .

1 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

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

5 APPROVED:

6
7 By _____
OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BEVERLY K. BRIDGES, CMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Hood 6-17-09
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 said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk