



Las Vegas

Agenda Item No.: 4.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-2 - For Possible Action: Eliminates specific business license categories for commercial dance studios, dress merchandise sales, retail demonstration merchandise sales stores, and food caterers; eliminates charitable solicitation permits; and amends licensing regulations and fees related to outdoor pay telephones, professional promoters, and charitable or special events. Sponsored by Councilman Steven D. Ross

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill reflects a housekeeping effort to eliminate a number of licensing categories that are unnecessary or duplicative, and to update regulations and fees related to outdoor pay telephones, professional promoters, and charitable or special events.

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. 2014-2
2. Chapters to be repealed

Motion made by BOB COFFIN to Approve as a Do Pass

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

KAREN DUDDLESTEN, Business Licensing Manager, stated that they have gone through the code and identified some antiquated rules and regulations to eliminate.

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MS. DUDDLESTEN said the first proposed elimination is Charitable Solicitation permits which were originally used to identify charitable organizations; now they are required to register with the IRS and the Secretary of State. Also proposed for elimination are Distressed Merchandise Sale permits; they are required when a business is having a going out of business sale, but this has not been enforced for years. COUNCILMAN COFFIN stated that the purpose of that permit is to keep people from continually advertising that they are going out of business and causing harm to other retailers. MS. DUDDLESTEN said that in the last 20 years nobody has applied for that permit, but they may need to find another mechanism in the Code to assess fines should they receive complaints of businesses doing that.

MS. DUDDLESTEN stated that outdoor pay telephones were originally required to be licensed individually in order to keep track of them. She proposed requiring the pay telephone companies to keep a map of their pay telephones and provide that information to the city, but to license the company instead of each pay telephone. She verified for MAYOR GOODMAN that the companies do pay a fee and the city retains all of the rules that allow them to be declared a public nuisance and for the City Council to ask for them to be removed. COUNCILMAN COFFIN said that his office receives many nuisance complaints about pay telephones, and the only means he has had to draw the owner's attention to it is the city's ability to fine them. MAYOR GOODMAN asked who owns the pay telephones. MS. DUDDLESTEN stated that they are mostly private providers and small companies. MAYOR GOODMAN said we need to know who they are and make sure they understand the regulations. DEPUTY CITY MANAGER ORLANDO SANCHEZ stated that there have been a lot of issues in the past and there is a nuisance ordinance that deals with the pay telephones. He will have Code Enforcement prepared to discuss this and work with Metro to identify the nuisance pay telephones and start the process. He stated he will provide an update on this. COUNCILMAN COFFIN said he believes COUNCILMAN BARLOW and COUNCILWOMAN TARRANIAN would also be interested. MAYOR GOODMAN said she thinks that the regulations that allow a pay telephone to be declared a nuisance needs to be communicated in the Code Enforcement informational website. COUNCILMAN COFFIN stated that pay telephones are used in the drug chain more than cell phones because it takes a warrant to monitor a land line whereas cell phones are more easily monitored. MS. DUDDLESTEN said they are not trying to change licensing of the pay telephones and the company, they are asking the company to keep a map and provide one to the city instead of having Business Licensing trying to identify the phones individually and keep up with the individual permit for each phone.

MS. DUDDLESTEN explained that they cannot find that they have ever had anyone licensed in the category of Retail Demonstration Merchandise Sales Stores. She said that Commercial Dance Studios were an issue in the past but can't find any issues in the last 15-20 years. They are proposing to combine the Special Event Producer and Charitable Event Promoter license, keeping the regulations for Charitable Promoters so that they understand the obligations. There are very few Highway Solicitation permits because they get referred to the State Highway Department, but state law requires the city to keep them. MS. DUDDLESTEN is proposing to work with Public Works and the one or two permits they do get would be handled through that agency. MAYOR GOODMAN asked who handles the street solicitors. DEPUTY CITY

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MANAGER ORLANDO SANCHEZ said he believes that is Metro's jurisdiction. SERGEANT CARMEN DONEGAN, Las Vegas Metropolitan Police Department, Special Investigations, stated that it is enforced under the traffic laws. MAYOR GOODMAN asked if that is for the 135 square miles of the city. MS. DONEGAN said that it depends on the street type, whether the solicitor is on a city street or a state highway and the homeless will be up to Metro. She said there used to be a code where if people were soliciting alms or begging, Metro could write a citation to get the people out of the dangerous situations, but were told they could not do that anymore in the county. MAYOR GOODMAN asked if that was due to First Amendment Rights. MS. DONEGAN said she believed it was and would get back to MAYOR GOODMAN and the City Council. COUNCILMAN COFFIN asked if the City Attorney could help with that because the begging provisions are under an Order in parts of the downtown area. He asked if that applied to more than the Fremont Street area. DEPUTY CITY ATTORNEY VAL STEED said that you can't be in the City of State's rights-of-way unless you are maintaining them, however, in a very limited circumstance, state law requires that both state and local authorities allow median solicitations. He said that state highways, including US Highway 95, Interstate 15 and Sahara, Charleston and the major corridors are under the jurisdiction of the state and those that are strictly city streets are under the jurisdiction of Metro.

MS. DUDDLESTEN said they will check on making the process simpler and will work with the City Attorney to assess civil penalties for anyone who continually advertises that they are going out of business. MAYOR GOODMAN verified that if this passes it will be eligible for adoption at the February 24, 2014 City Council meeting.

MAYOR GOODMAN declared the Public Hearing closed.

