

BUSINESS IMPACT STATEMENT
BILL NO. 2014-34

[An Ordinance Amending LVMC 6.02 to Increase Civil Penalties for Violations of LVMC 6.50 and Clarifying that the Director may Suspend an Alcoholic Beverage License on an Administrative Basis under Certain Circumstances, Adding a New Condition to LVMC 6.50 to Clarify that a Licensee's Violation, or Knowingly Permitting an Employee to Violate a Condition of an Alcoholic Beverage License is a Misdemeanor, and Creating a Zone in the Downtown Area where the Possession of Glass or Metal Containers for the Consumption of Beverages Is Prohibited And The Consumption Of Alcoholic Beverages In Its Original Packaging Is Prohibited]

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2014-34, which acts to update various sections of LVMC Title 6 to increase civil penalties for violations of LVMC 6.50, clarifies that the Director may suspend an alcoholic beverage license on an administrative basis under certain circumstances, adds a new condition to LVMC 6.50 to clarify that a licensee's violation, or knowingly permitting an employee to violate a condition of an alcoholic beverage license is a misdemeanor, and creates a zone in the downtown area where the possession of glass or metal containers for the consumption of beverages is prohibited and the consumption of alcoholic beverages in its original packaging is prohibited.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Notice regarding the proposed ordinance was sent to approximately 2,389 licensees that could be impacted by the proposed language, comprising license types numbered L09, L12, L13, L15-19, L21, L23, L25, L28-31, L38, L40-L46 and L62 alcohol categories and A20, A23, A24, A32, B13, E07, G01, G04-G08, I07, M01, M11, M12, M22, P04, R03, R11, S20, S23-S26, T25, T29 and W01 privileged, non-alcohol categories. In addition, six local chambers of commerce were notified of the proposed amendments and the City made the proposed language available on its website for review and comment, and it is still available on the City website or at the Business Licensing Division for any interested persons.

In addition, the City held two informational work sessions on April 14, 2014 and April 17, 2014 that were noticed to the 2,389 licensees by postcard mailer, and advertised on the CLV Development Facebook page, as well as posting notices on the 1st, 3rd and 6th floors of the Development Services Center. Sixty-two people appeared between the two meetings, and oral comments were received and documented by City staff. The meeting attendance sheets with documentation of the oral comments are attached hereto as Exhibits "1" and "2."

No comments were received by e-mail, no comments were received through the City of Las Vegas website, and no phone calls on the proposed ordinance were logged.

Of the comments received by the City at the workshops, none were related to the substance of this ordinance.

A summary of the comments are attached to the meeting attendance sheets. In a nutshell, many of the participating parties advocated that the City strike any new regulations on package liquor sales along the pedestrian mall, that consumption of alcoholic beverages should be permitted along the pedestrian mall no matter where such beverages were purchased, and that the specific proposal to disallow sales of alcoholic beverages from establishments selling package liquor between the hours of 7 p.m. and 6 a.m. the following morning be stricken in its entirety or applied to all purveyors of alcoholic beverages, no matter the license classification type. None of these comments relate to the substance of this ordinance.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Those persons that sell alcoholic beverages in the glass prohibition zone may be indirectly affected by application of the glass, metal and original packaging prohibition by the City, but the City cannot estimate what that effect might be.

Beneficial effects:

N/A

Direct effects:

N/A

Indirect effects:

Indirectly, the new prohibition could indirectly affect sales alcohol in glass containers, metal containers and that which is sold in original packaging.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

None. The City only received comments on proposed regulations that are not a part of this ordinance.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

N/A. The City will use its existing business license personnel to enforce these new regulations.

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

N/A. No new fees are proposed in the ordinance.

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

N/A. No new fees are proposed in the ordinance.

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

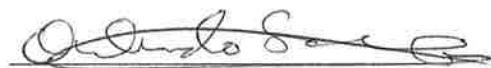
N/A.

8. The reasons for the conclusions regarding the impact of the proposed rule on businesses:

The City only received comments on proposed regulations that are not a part of this ordinance.

CERTIFICATION

I certify that, to the best of my knowledge or belief, the information contained in this business impact statement was prepared properly and is accurate.

 for Betty Fretwell

By: City Manager

Date: May 12, 2014

Exhibit 1

Changes to the Civil Penalty Provisions and Alcohol Licensing Regulations Industry Workshop and Q&A Session

April 17, 2014

	Name	Organization and Address	Phone Number / E-mail
1	Karen Duddleston	CLV-Planning Department – Business Licensing 333 N. Rancho Drive Las Vegas, NV 89106	702-229-6413 kduddleston@lasvegasnevada.gov
2	Luis G Lara		
3	Eli ELEZRA	Southern Super MART	
4	Letsuo Higuchi	"	
5	MOSAB OOO	"	
6	Aliza Elazar Hag	322	
7	Ken Hina	322 Fremont St	
8	Jakynth Perez	— W —	
9	Armosh Movem	Birion's Fremont	
10	Ernesto Vidal	Southern Super Mart.	
11	MILES ORR	13 Fremont St	
12	Seth Floyd	McDonald (Lano Wilbur) 2300 W Sahara	873-4100
13	GUIDO AKERMAN	VIVA VEGAS	
14	Sandheera K. Adhikari	Southern Super Mart	
15	Mark Brown		
16	Dyan Armstrong	Crazy ely western village	684-2796
17	Dan Boyle		
18	Aniel Herring	Viva Vegg	
19	Dolores Perez		
20	IT Moran	Law firm	
21			

Changes to the Civil Penalty Provisions and Alcohol Licensing Regulations Industry Workshop and Q&A Session

April 17, 2014

	Name	Organization and Address	Phone Number / E-mail
1	Karen Duddleston	CLV-Planning Department – Business Licensing 333 N. Rancho Drive Las Vegas, NV 89106	702-229-6413 kduddleston@lasvegasnevada.gov
2	<i>[Signature]</i>	<i>Higuchi Rene Lopez</i>	702-3853422
3	<i>Martha Fox</i>		702- 758 2455
4	<i>Guillermo Soto</i>		702-561-9290
5	<i>SAC/BEHN</i>		702-245-5565
6	<i>JT Moran III</i>	<i>[Signature]</i>	702 384-8424
7	Mali Gabay		
8	Deborah Gabay		
9	Nubia A		—
10	<i>ALBERT GARCIA</i>	<i>[Signature]</i>	
11	<i>DUMP DAY</i>	<i>[Signature]</i>	
12	<i>Elena Kerosyan</i>	<i>[Signature]</i>	702-222-7523
13	<i>HIRSH KESSELY</i>	<i>[Signature]</i>	702-576-7407
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☒ Meeting

☐ Telephone

☐ Conversation Record

Page 1 of 1
Date 4 / 19 / 14
Time 10 : 00 am pm

Project Name Proposed 2014 Civil Penalties & Liquor Licensing

Conversation between CLV Representative(s): _____
and,

Name	Company/Department	Phone	FAX

☒ see Meeting Attendance Sheet

Comments:

- Quick presentation to group, mostly the same as previous meeting participation
- Consumption w/o distance limitation was
- Sec 3(B) advertisement strike Strike entire
- Sec 7 (E) Strike pedestrian mall restrictions
- Universal hours of operations restrictions if any restriction imposed
- Sec 6 (D) security
- tourist/patrons
- lots of confusion about when they can open their beverage depending on where they buy it
- address homeless situation to reduce issues
- NV State intoxication law invalidates distance (1,000 ft) requirements
- Police (Metro) better than private security
- FSE failing to provide enough/right security

Exhibit 2



Meeting Attendance Sheet

Project Name Proposed 2014 Civil Penalties + Liquor Licensing UpdatePage 1 of 2
Date 4 / 14 / 14
Time 3 : 00 am ☒

Name	Company/Department	E-mail	Phone
1. Aliza Eleazar Higuchi	322	athiguchi @ aol.com	210-1838
Eli Elezra	1-2-3-45 Inc	"	210-3444
2. Avi Hamaion	Visitor	avihamaion @ yahoo.com	Phone
3. Kei Hirai		keiathiguchi @ yahoo.com	Phone
4. Tetsuo Higuchi		tetsuo.higuchi @ yahoo.com	Phone
5. Patricia Montesinos			Phone
6. CHRIS KEMPFER		CLK@KCNV/AW.com	Phone 792-7000
7. Ariel Ateran		Ariakernan@aol.com	Phone 460-5362
8. Guido Ateran		↓	Phone ↓
9. JT MORAN III		JT3.MORAN@MORANLAWFIRM.com	Phone 702.384.8424
10. MILES OHYE		mohye @ abestars.com	Phone 202.6701
11. ALVARO CONSTANTINO			Phone
12. NICOLETTA CSICSI			Phone
13. MARKA BOROS			Phone
14. Angelica Lara			Phone 210-8727
15. Jaknath Perera			Phone 427-1155
16. Irmosh Morsisyew			Phone
17. Dinora Lamus			Phone 785-15-95

Changes to the Civil Penalty Provisions and Alcohol Licensing Regulations Industry Workshop and Q&A Session

April 14, 2014

	Name	Organization and Address	Phone Number / E-mail
1	Karen Duddleston	CLV-Planning Department – Business Licensing 333 N. Rancho Drive Las Vegas, NV 89106	702-229-6413 kduddleston@lasvegasnevada.gov
2	David Stoff	McDonald Carano Wilson LLP 2300 W Sahara Ave, Ste 1200 LV NV 89102	702-873-4100
3	Seth Floyd	11	11
4	Terry Care	11	11
5	Jon Segev	LAS Vegas Sun	
6	Jerome Marcus	11	
7	ALBERT GABAY	LAS VEGAS	
8	Nelli Gabay	Las Vegas	
9	Nubia Armendriz	Las Vegas	
10	Nieves Alvarez	Las Vegas	
11	Val Smith	Las Vegas	
12	Deborah Gabay	Las Vegas	
13	Edward Hauser	LAS Vegas	702-742-4104
14	Patricia Montezinos	Las Vegas	
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☒ Meeting

☐ Telephone

☐ Conversation Record

Page 1 of 1
Date 4 / 14 / 14
Time 3 : 00 am PM

Project Name Proposed 2014 Civil Penalties & Liquor Licensing

Conversation between CLV Representative(s): Karen D., Mary E., + Robert S.
and,

Name

Company/Department

Phone

FAX

See Attendance Sheets

☒ see Meeting Attendance Sheet

Comments:

- Quick Recap of process, power point about recent trends, asked about more comprehensive "heat" maps from Metro, metro data to website for download list of downtown stakeholders need.
- pricing as reason for increase in licenses for alcohol
- disparity between package lig. v. taverns/casino^{on} ped mall
 - too many freebies to FEED no "help" for FSE
- no hours of operation (p13 line 6-7) a lot of people agreed to this one
- limit all ped casinos same as package lig
- allow ped mall free flow of alcohol, open consumption
- 1000 ft requirement is too restrictive
- increased METRO/Security
- thought memo/agreement was enough no need for amendment
- changes will not improve crime issues
- 3 strikes has to have time element / and weighting of severity of infractions
- consumption in non-licensed location as violations
- consumer should be fined not retailer
- streamline liquor