

BILL NO. 2013-5

ORDINANCE NO. _____

AN ORDINANCE TO CONTINUE TO AUTHORIZE, ON A TEMPORARY BASIS, THE WAIVER OF THE ORIGINATION CHARGE FOR NEW URBAN LOUNGE AND TAVERN-LIMITED LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Continues to authorize, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses.

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

SECTION 1: In February 2010, the City Council adopted Ordinance No. 6077, which authorized, on a temporary basis, the waiver of the origination charge for new urban lounge and tavern-limited licenses. The intent of that ordinance was to encourage new urban lounge and tavern-limited licenses within the City. In 2011 and 2012, by means of Ordinance Nos. 6132 and 6178, respectively, the City Council extended for another year in each case the effects of Ordinance No. 6077. The City Council desires again to extend for another year the effects of that ordinance for new applications. Therefore, the Department of Planning or its successor, in accordance with Section 2 of this Ordinance, may waive origination charges otherwise imposed by LVMC 6.50.380 for urban lounge and tavern-limited licenses.

SECTION 2: The waiver referred to in Section 1 of this Ordinance may be granted pursuant to a qualifying waiver application that is filed with the Department of Planning between the effective date of this Ordinance and one year thereafter. Any such waiver shall be conditioned upon activation of the business license within the following time periods after the submittal of a qualifying waiver application:

(A) One year, for a business to be located within an existing structure; or

(B) Two years, otherwise.

SECTION 3: Notwithstanding any provision of Title 6 of the Las Vegas Municipal Code to the contrary, a business license concerning which a waiver has been granted pursuant to this Ordinance and which has been activated:

- 1 (A) May not be sold or transferred to a third party; and
- 2 (B) May not be transferred to a new location unless the location is within the district
- 3 to which the license pertains, the location is approved in accordance with the requirements of Title
- 4 19, and the license holder remains the same.

5 SECTION 4: For purposes of Sections 2 and 3 of this Ordinance:

6 (A) "Activation of a business license" means that the license has been issued and

7 the business authorized by the license has opened for business operation.

8 (B) "Qualifying waiver application" means an application for waiver that is:

- 9 (1) Submitted in connection with a business license application; and
- 10 (2) Accompanied by a copy of an application for special use permit that has
- 11 been filed with the Department of Planning (or its successor) pursuant to Title 19 of the Las Vegas
- 12 Municipal Code.

13 SECTION 5: Nothing in this Ordinance shall be deemed to affect waiver applications

14 filed before the effective date of this Ordinance.

15 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or

16 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

17 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

18 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the

19 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

20 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

21 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

22 invalid or ineffective.

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SECTION 7: 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 _____, 2013.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-23-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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