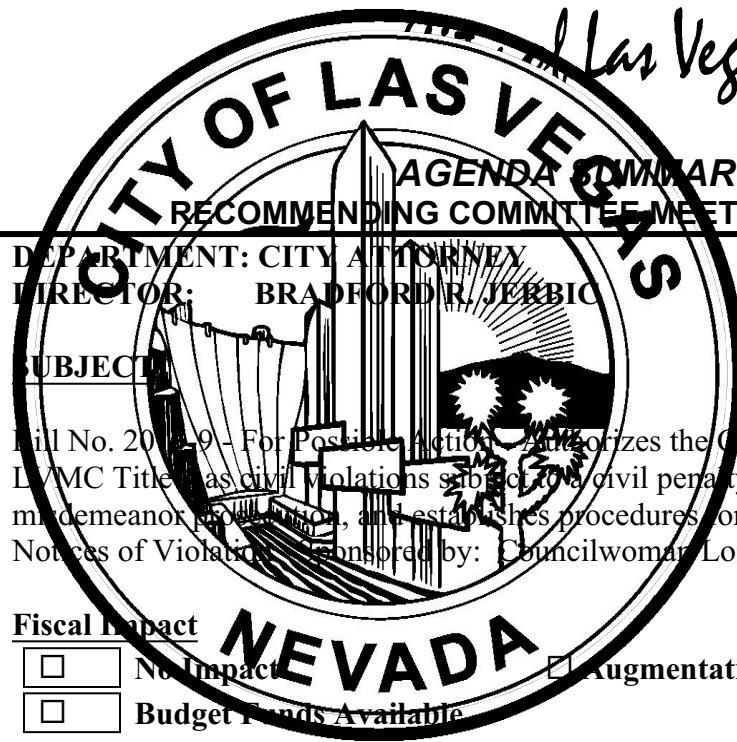




Las Vegas

Agenda Item No.: 5.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-9 - For Possible Action - Authorizes the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution, and establishes procedures for the processing and disposition of Notices of Violation. Sponsored by: Councilwoman Lois Tarkanian

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will authorize the City to treat licensing violations under LVMC Title 6 as civil violations subject to a civil penalty rather than proceeding by means of a misdemeanor prosecution. The bill will establish procedures for the processing and disposition of Notices of Violation, which include the opportunity to appear before a hearing officer regarding such Notices of Violation. This process has been used successfully regarding parking violations and, more recently, for some kinds of animal control violations.

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. 2013-9
2. Business Impact Statement

Motion made by BOB COFFIN to Approve as Do Pass

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

CAROLYN G. GOODMAN, BOB COFFIN, BOB BEERS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

By way of reading the item, MAYOR GOODMAN declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF: MARCH 5, 2013

FLINN FAGG, Director of Planning, explained that this bill was sponsored by COUNCILWOMAN TARKANIAN. MR. FAGG then had KAREN DUDDLESTEN, Business Licensing Manager, provide a presentation on the proposed bill.

MAYOR GOODMAN questioned the preponderance of types of violations. MS. DUDDLESTEN explained that there are no current tools for the Business Licensing Department to address individuals doing business without a license because there are no licenses to revoke or fine. This bill will allow staff to issue citations and fines for operating or advertising unlicensed businesses. It also establishes better mechanisms for monitoring party houses. MS. DUDDLESTEN went on to explain that complaints are the primary source of identifying unlicensed businesses. She also mentioned that improved business relationships with neighboring municipalities are improving compliance from mobile vendors such as ice cream trucks.

DEPUTY CITY ATTORNEY VAL STEED confirmed for COUNCILMAN COFFIN that the position of a Hearing Officer was not specifically addressed in the bill, but the position is typically appointed by the City Council. COUNCILMAN BEERS referenced a recently appointed Public Hearing Officer as an example.

COUNCILMAN COFFIN questioned what means were in place to penalize people who host unlicensed business on their premises. MS. DUDDLESTEN stated that the open air vending ordinance places some restrictions on vendors and properties and property owners.

VICTORIA ROSEMORE, Business Licensing Supervisor, explained that Title VI is hooked to Title IX under the nuisance code. Customary practice is to notice both parties, the vendor and the property owner, for harboring and encouraging nuisance. This process encourages compliance and prevents the court costs associated with criminal violations as opposed to civil penalties.

COUNCILMAN COFFIN received confirmation from MR. FAGG that there is a business license category allowing mobile vendors to operate.

By way of reading the next item, MAYOR GOODMAN declared the Public Hearing closed.