

1 **BILL NO. 2010-36**

2 **ORDINANCE NO. 6109**

3 AN ORDINANCE RELATING TO THE PROHIBITION OF ALCOHOLIC BEVERAGES IN CITY
4 PARKS EXCEPT PURSUANT TO A PERMIT OR OTHER WRITTEN AUTHORIZATION;
5 REPEALING THE PROSPECTIVE EXPIRATION OF THAT PROHIBITION; AND PROVIDING
6 FOR OTHER RELATED MATTERS.

6 Sponsored by:
7 Councilman Gary Reese
8 Councilwoman Lois Tarkanian

Summary: Repeals the sunset provision
regarding the prohibition of alcoholic beverages
in City parks except pursuant to a permit or
other written authorization.

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

11 WHEREAS, on June 17, 2009, the City Council adopted Ordinance No. 6043, which,
12 among other things, prohibits alcoholic beverages in City parks except pursuant to a permit or other
13 written authorization; and

14 WHEREAS, the prohibition of alcoholic beverages in City parks except pursuant to
15 a permit or other written authorization (the "general prohibition") is found in Section 1 of Ordinance
16 No. 6043; and

17 WHEREAS, Section 4 of Ordinance No. 6043 provides for a prospective expiration
18 (or sunset provision) regarding the general prohibition, as follows:

19 **SECTION 4: Section 1 of this Ordinance shall expire by limitation on October 1, 2010,**
20 **unless otherwise extended.**

21 and

22 WHEREAS, based upon the City's experience in implementing Ordinance No. 6043,
23 the City Council desires to remove the prospective expiration (sunset provision), thereby leaving the
24 general prohibition in effect until further Council action, if any, is taken.

25 NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF
26 THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

27 SECTION 1: Section 4 of Ordinance No. 6043 is hereby repealed.

28 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or

1 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
2 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
3 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
4 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
5 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
6 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
7 invalid or ineffective.

8 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this 1st day of September, 2010.

12 APPROVED:

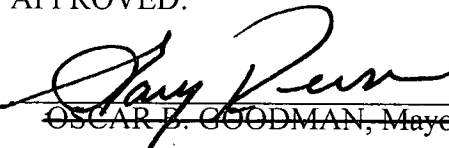
13
14 By Gary Reese
15 ~~OSCAR B. GOODMAN, Mayor~~
16 **Gary Reese, Mayor Pro-Tem**

16 ATTEST:
17 Beverly K. Bridges
18 BEVERLY K. BRIDGES, MMC
19 City Clerk

19 APPROVED AS TO FORM:
20 Val Heed 7-4-10
21 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 4th day of August, 2010, and referred to a committee for recommendation;
3 thereafter the committee reported favorably on said ordinance on the 1st day of September,
4 2010, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Pro Tem Reese and Councilmembers Wolfson, Tarkanian
8 Barlow, Ross and Anthony
9 VOTING "NAY": None
10 EXCUSED: Mayor Goodman
11 ABSTAINED: None

12 APPROVED:
13 
14 ~~OSCAR B. GOODMAN, Mayor~~
15 Gary Reese, Mayor Pro-Tem

16 ATTEST:
17 
18 BEVERLY K. BRIDGES, MMC City Clerk

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**BUSINESS IMPACT STATEMENT
BILL NO. 2010-36**

(Repeals the sunset provision regarding the prohibition of alcoholic beverages in City parks except pursuant to a permit or other written authorization)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-36, that would repeal the sunset provision regarding the prohibition of alcoholic beverages in City parks except pursuant to a permit or other written authorization.

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.

Not applicable

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:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

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:

Not applicable

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

No additional cost

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

Not applicable

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:

Not applicable

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:

Not applicable

Date: July 21, 2010

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 6571851

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/20/2010 to 08/20/2010, on the following days:

08/20/2010

BILL NO. 2010-36

AN ORDINANCE RELATING TO THE PROHIBITION OF ALCOHOLIC BEVERAGES IN CITY PARKS EXCEPT PURSUANT TO A PERMIT OR OTHER WRITTEN AUTHORIZATION; REPEALING THE PROSPECTIVE EXPIRATION OF THAT PROHIBITION; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Gary Reese
Councilwoman Lois Tarkanian

Summary: Repeals the sunset provision regarding the prohibition of alcoholic beverages in City parks except pursuant to a permit or other written authorization.

At the City Council meeting of August 4, 2010

BILL NO. 2010-36 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

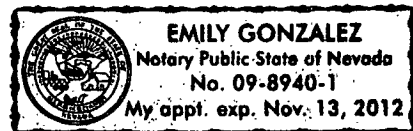
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: August 20, 2010
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 23rd day of Aug., 2010.

Emily Gonzalez
Notary Public



AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2010 SEP 16 A 11:02

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

2296311LV

6612601

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 09/04/2010 to 09/04/2010, on the following days:

09/04/2010

BILL NO. 2010-36
ORDINANCE NO. 6109

AN ORDINANCE RELATING TO THE PROHIBITION OF ALCOHOLIC BEVERAGES IN CITY PARKS EXCEPT PURSUANT TO A PERMIT OR OTHER WRITTEN AUTHORIZATION; REPEALING THE PROSPECTIVE EXPIRATION OF THAT PROHIBITION; AND PROVIDING FOR OTHER RELATED MATTERS.

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 4th day of August 2010 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 1st day of September 2010, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and was adopted by the following vote:

VOTING "AYE": Mayor Pro Tem Reese and Councilmembers Wolfson, Tarkarian, Ross, Barlow, and Anthony
VOTING "NAY": NONE
EXCUSED: Mayor Goodman

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: September 4, 2010
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 7th day of September, 2010.

Linda Espinoza
Notary Public

