

FIRST AMENDMENT

BILL NO. 2014-70

ORDINANCE NO. 6388

AN ORDINANCE TO REQUIRE A PRIVILEGED LICENSE FOR SMOKING LOUNGES AND FOR CERTAIN BUSINESSES THAT SELL TOBACCO PARAPHERNALIA OR DESIGNATED SUBSTANCES; ESTABLISH REGULATIONS REGARDING THE OPERATION OF SUCH BUSINESSES, PROVIDE A PERIOD FOR EXISTING BUSINESSES TO COME INTO COMPLIANCE; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Requires a privileged license for smoking lounges and for certain businesses that sell tobacco paraphernalia or designated substances, and establishes operational regulations for such businesses.

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

SECTION 1: Title 6, Chapter 6, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.06.010: (A) The provisions of this Chapter apply to those businesses which are found by the City Council to require a high degree of supervision and to more seriously affect the economic, social and moral well-being of the City and its residents. These businesses have been commonly referred to as "privileged" and require specific consideration for approval of a license for the business by an approving authority, and specific consideration for approval of the suitability of the principals by an approving authority.

(B) For purposes of this Chapter, the term "approving authority" means:

(1) The Director, for licenses and suitability determinations for principals issued under the provisions of Chapters 6.06A, 6.06B, 6.12, 6.14, 6.18, 6.35, 6.47, 6.51, 6.53, 6.55, 6.69, 6.74, 6.82 and 6.84; and

(2) The City Council, for all other categories.

SECTION 2: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 82 and consisting of

1 Sections 10 to 100, inclusive, reading as follows:

2 **6.82.010:** As used in this Chapter, the following terms shall have the meanings indicated:

3 “Designated substance” means salvia divinorum or Salvinorum A, including all parts of the plant
4 botanically classified as salvia divinorum, whether growing or not; any extract thereof; the seeds thereof;
5 and every compound, manufacture, salts derivative, mixture or preparation of the plant or its seeds or
6 extracts.

7 “Sell” (and related forms of the word) refer to the sale, offer to sell, exchange or offer to exchange for any
8 form of consideration.

9 “Smoke shop” means a business which has, as its principal activity or a primary activity, the sale of
10 tobacco paraphernalia or designated substances, or a business that holds itself out to the public as a
11 business engaging in that activity.

12 “Smoking lounge” means a business which offers, as its principal activity or a primary activity, a location
13 and equipment for the consumption of tobacco products.

14 “Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all
15 types, cigarette rolling machines, and any other item designed for use in the smoking, preparation or
16 consumption of tobacco products. The term does not include tobacco products.

17 “Tobacco product” means any substance containing tobacco leaf, including but not limited to cigarettes,
18 cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other
19 preparation of tobacco. The term does not include any cessation product specifically approved by the
20 United States Food and Drug Administration for use in treating nicotine or tobacco dependence, or any
21 electronic device that enables the introduction of nicotine into the human body but without the presence of
22 tobacco.

23 **6.82.020:** (A) No person shall engage in business as a smoke shop within the City without first
24 obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a
25 privileged license subject to the provisions of LVMC Chapter 6.06.

26 (B) Each employee of a smoke shop who sells or handles tobacco paraphernalia or

1 designated substances, or has daily control of the operations of the smoke shop shall obtain a work card
2 pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.

3 **6.82.030:** It is unlawful for any business subject to licensing as a smoke shop to:

4 (A) Employ a person under the age of eighteen years (or allow such an employee) to
5 sell or handle tobacco paraphernalia or designated substances.

6 (B) Sell tobacco paraphernalia or any designated substance to a person under the age
7 of eighteen.

8 **6.82.040:** (A) In any smoke shop, tobacco paraphernalia that is being stored or displayed must be
9 stored or displayed in a designated area within the business premises that is not open to view by persons
10 under the age of eighteen and to which such persons do not have access. Except in an establishment that
11 does not permit entry to persons under the age of eighteen, each entrance to the designated area shall have a
12 sign clearly posted in letters not less than three inches tall indicating that persons under the age of eighteen
13 are not permitted within that area unless accompanied by a parent or legal guardian. Any such designated
14 area and signage are subject to prior approval by the Director as part of the license approval process.

15 (B) No principal or employee of a smoke shop shall permit a person under the age of
16 eighteen years to enter or remain within the designated area unless that person is accompanied by his or her
17 parent or legal guardian.

18 **6.82.050:** (A) No person shall engage in business as a smoking lounge within the City without
19 first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a
20 privileged license subject to the provisions of LVMC Chapter 6.06.

21 (B) Each employee of a smoking lounge who serves patrons of the establishment,
22 handles tobacco products or tobacco paraphernalia, or has daily control of the operations of the smoking
23 lounge shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for
24 suitability as a principal.

25 **6.82.060:** It is unlawful for any business subject to licensing as a smoking lounge to:

26 (A) Employ a person under the age of eighteen years (or allow such an employee) to

1 sell or handle tobacco products or tobacco paraphernalia; or

2 (B) Allow a person under the age of eighteen years to consume tobacco products.

3 **6.82.070:** Within a smoking lounge:

4 (A) All smoking areas must be open to view by employees and patrons.

5 (B) No live entertainment may be provided unless the establishment has a night club
6 license or other appropriate license for that activity.

7 **6.82.080:** A business that desires to operate both as a smoke shop and a smoking lounge may apply
8 for and obtain a license for each operation under this Chapter, or the Department may at its option issue a
9 combined license to authorize both types of activity. Under a combination license, the licensee must
10 comply with the provisions of this Chapter that apply to both types of operations.

11 **6.82.090:** Businesses that are existing on the effective date of the Ordinance codified in this Chapter
12 shall have six months from that date to come into compliance with this Chapter.

13 **6.82.100:** Nothing in this Chapter is intended to limit the application of State law and regulations
14 governing tobacco products, drug paraphernalia, or substances that are classified or to be classified as
15 controlled substances under State law and regulations, including without limitation NRS Chapters 453 and
16 453A and regulations adopted thereunder. Businesses subject to this Chapter are subject to compliance
17 with State law and regulations in accordance with the terms thereof, notwithstanding any provisions of this
18 Chapter that pertain specifically to and are an exercise of the City's licensing and regulatory powers and
19 jurisdiction.

20 SECTION 3: Title 6, Chapter 2 Section 370, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.02.370:** [The doing of any act for which a license is required or the violation of any provision of
23 this Title is declared to be unlawful. In addition, any such act or violation, if harmful to the safety, welfare,
24 health, or peace of the residents and taxpayers of the City, constitutes a public nuisance per se, unless such
25 act is done by a person who is authorized to do so by a license issued pursuant to this Title.]

26 (A) It is unlawful to:

1 (1) Engage in any activity for which a license is required by this Title without
2 having obtained and maintained in force the license that pertains to that activity;

3 (2) Violate any provision of this Title in connection with the operation of a
4 business; or

5 (3) Violate any provision of State law governing the operation of a business.

6 (B) In addition, any activity or violation described in Subsection (A), if harmful to the
7 safety, welfare, health, or peace of the residents and taxpayers of the City, constitutes a public nuisance.

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

15 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared to
16 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
17 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
18 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
19 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
20 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
21 of this ordinance shall constitute a separate offense.

22 ...
23 ...
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25 ...
26 ...


1 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 17TH day of December, 2014.

5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 BEVERLY K. BRIDGES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 12-1-14
13 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 15th day of October, 2014, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 17th day of
4 December, 2014, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as amended and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony. Tarkanian, Ross,
Barlow, Coffin and Beers
8 VOTING "NAY": None
9 EXCUSED: None
10 ABSTAINED: None
11 DID NOT VOTE: None

12 APPROVED:

13 
14 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 _____
BEVERLY K. BRIDGES, MMC City Clerk

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Affidavit of Publication

STATE OF NEVADA)
COUNTY OF CLARK) SS:

**LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101**

**Account # 22515
Ad Number 000386761**

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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/04/2014 to 12/04/2014, on the following days:

12 / 04 / 14

FIRST AMENDMENT
BILL NO. 2014-70

AN ORDINANCE TO REQUIRE A PRIVILEGED LICENSE FOR SMOKING LOUNGES AND FOR CERTAIN BUSINESSES THAT SELL TOBACCO PARAPHERNALIA OR DESIGNATED SUBSTANCES; ESTABLISH REGULATIONS REGARDING THE OPERATION OF SUCH BUSINESSES, PROVIDE A PERIOD FOR EXISTING BUSINESSES TO COME INTO COMPLIANCE; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross
Summary: Requires a privileged license for smoking lounges and for certain businesses that sell tobacco paraphernalia or designated substances, and establishes operational regulations for such businesses.


At the City Council meeting of October 15, 2014 BILL NO. 2014-70 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, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: December 4, 2014
LV Review-Journal

Stacey M. Lewis
181 _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 4th day of December, 2014

Notary *Mary Lee*

 **MARY A. LEE**
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

Affidavit of Publication

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000400350

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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/20/2014 to 12/20/2014, on the following days:

12 / 20 / 14

FIRST AMENDMENT
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ORDINANCE NO. 6388

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Sponsored by: Councilman Steven D. Ross
Summary: Requires a privileged license for smoking lounges and for certain businesses that sell tobacco paraphernalia or designated substances, and establishes operational regulations for such businesses.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of October 2014, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of December 2014, 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 amended and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross, Barlow, Coffin and Beers
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: December 20, 2014
LV Review-Journal

Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of December, 2014

Mary Lee
Notary

