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BILL NO. 2018-46

ORDINANCE NO. 6648

AN ORDINANCE TO AMEND LVMC 6.39.050 AND 9.16.040 TO ESTABLISH REQUIREMENTS AND LIMITATIONS FOR OUTDOOR SPEAKERS AND OTHER AMPLIFICATION DEVICES WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends LVMC 6.39.050 and 9.16.040 to establish requirements and limitations for outdoor speakers and other amplification devices within the Downtown Entertainment Overlay District.

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

SECTION 1: Ordinance No. 6621 and Title 6, Chapter 39, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 6.39.050 reads as follows:

6.39.050: (A) Hours of Operation. The hours of operation for a nightclub shall be determined by the Director at the time of permanent license approval pursuant to LVMC 6.02.090. If there is a conflict between the hours of operation for a nightclub approved by the Director for the nightclub license and hours of operation approved by the City Council pursuant to either: 1) an alcoholic beverage license for the establishment; or 2) an approved land use entitlement permitting the operation of a nightclub, the condition regarding hours of operation approved by the City Council shall control.

(B) Security Plan Required. Prior to the approval of any temporary or permanent license, the applicant shall present to the Director a security plan for approval, and a license shall not issue until such plan is approved by the Director. The Director shall issue, and may revise on an as-needed basis, an official policy to describe the scope of the required security plan for the benefit of potential licensees. In the case of a license that was issued before the provisions of this Subsection (B) were adopted, the Director may require the licensee to submit for the Director's approval a security plan. The Director may also require a licensee to submit for approval a revised security plan if the Director determines that provisions for security at the

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licensee's nightclub are inadequate. The Director may establish a deadline for the submission of new or revised plans. Upon receipt of a new or revised security plan, the Director shall approve, deny or take other appropriate action regarding the plan, including the establishment of a deadline within which to update or implement a security plan or a date by which operations must cease in connection with the denial of a security plan. It is unlawful for a licensee to:

(1) Fail to submit a security plan by the deadline established for such submission;

(2) Continue to operate the licensed establishment beyond a deadline established for updating or implementing a security plan without having accomplished the update or implementation; or

(3) Continue to operate the licensed establishment beyond a date established for ceasing operations in connection with the denial of a security plan.

(C) If the licensed establishment is within five hundred feet of a residential property, the licensee must post signs at locations clearly visible within the club and at both on and off-site parking areas, requesting patrons to respect residents of adjacent residential neighborhoods by being quiet when leaving.

(D) Limitation on Outdoor Activities. Unless otherwise permitted by land use entitlement approved for such establishment, any and all activities associated with a licensed establishment shall be conducted entirely within the interior of such establishment, except for the following:

(1) The checking of patrons' identification;

(2) Valet parking activities;

(3) The sale of admission tickets for current or future events;

(4) Eating, drinking, or dancing when specifically allowed outside by Title 12 special event permit [.] ; or

(5) Within the Downtown Entertainment Overlay District, the use of outdoor speakers or other sound amplification devices, but only if and to the extent the speakers or devices:

(a) Are not located on sidewalks or within the public right of way;

1 and

2 (b) Are directed toward the establishment's lounge or dining area and
3 away from public rights-of-way.

4 (E) If patrons are waiting outside the licensed establishment for entry into such
5 establishment, the licensee shall organize and maintain its patrons in line in accordance with this Subsection
6 (E). Each outdoor patron line must be on private property or on a public sidewalk not located in a residential
7 neighborhood. If on a public sidewalk, an outdoor patron line shall:

- 8 (1) Be parallel to and against the structure of the licensed establishment;
9 (2) Be maintained so that not more than two persons are abreast (next to one
10 another);
11 (3) Not restrict reasonable pedestrian movement on the sidewalk; and
12 (4) Not obstruct the entrance to any other establishment that is open for
13 business.

14 (F) Noise. No interior noise shall be audible beyond the property line when exterior
15 doors are closed. If a more restrictive requirement exists elsewhere in this Code, the more restrictive
16 requirement applies.

17 SECTION 2: Title 9, Chapter 16, Section 40, of the Municipal Code of the City of Las
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **9.16.040:** None of the terms or prohibitions that are contained in this Chapter shall apply to or be
20 enforced against:

21 (A) Any vehicle that belongs to, or is used by, the City or its authorized garbage
22 collection contractor while it is engaged in any necessary public business;

23 (B) The excavation or repair, or both, of streets, highways or bridges that are made
24 during the night by or on behalf of the City, Clark County or the State, if the public welfare and convenience
25 renders it impracticable to perform such work during the day;

26 (C) The emission of sound to alert persons to the existence of an emergency;

(D) Sounds that are emitted in the performance of emergency work;

(E) Any event that:

(1) Is authorized by a special event permit issued by the City; or

(2) Takes place on the premises of a business that is licensed pursuant to Chapter 6.39 or Chapter 6.50 and is located within the Downtown Entertainment Overlay District, as described in LVMC 19.10.120[;], but only if and to the extent that all outdoor speakers or other amplification devices comply with the requirements and limitations of LVMC 6.39.050(D)(5).

(F) The exempt portion of any event that takes place on the premises of a business that is located within 18B the Las Vegas Arts District, as described in the Las Vegas Downtown Centennial Plan. The “exempt portion” of an event includes the following:

(1) For events beginning on Sunday through Wednesday, event activities that do not extend beyond ten p.m.;

(2) For events beginning on Thursday, event activities that do not extend beyond midnight; and

(3) For events beginning on Friday and Saturday, event activities that do not extend beyond two a.m. the following morning; or

(G) Civic functions, including without limitation parades, concerts, athletic events, group use of public facilities and other public gatherings for which a license or permit has been issued pursuant to any chapter of this Code.

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

SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 5: 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 17th day of October, 2018.

APPROVED:

By 
CAROLYN G. GOODMAN, Mayor

ATTEST:


 LUANN B. HOLMES, MMC
 City Clerk

APPROVED AS TO FORM:

Val Steed 9-17-18
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 3rd day of October, 2018, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 17th day of October,
4 2018, 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:

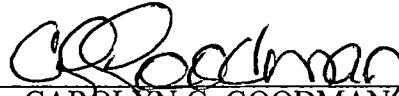
7 VOTING "AYE": Mayor Goodman and Councilmembers, Tarkanian, Anthony,
8 Coffin, Seroka and Crear

9 VOTING "NAY": None

10 EXCUSED: Fiore

11 ABSTAINED: None

12
13
14 APPROVED:

15 

16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2018 OCT 10 P 12:14

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

**Account # 22515
Ad Number 0001010012**

Leslie McCormick, 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 10/04/2018 to 10/04/2018, on the following days:

10 / 04 / 18

BILL NO. 2018-46

AN ORDINANCE TO AMEND LVMC 6.39.050 AND 9.16.040 TO ESTABLISH REQUIREMENTS AND LIMITATIONS FOR OUTDOOR SPEAKERS AND OTHER AMPLIFICATION DEVICES WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Bradford R. Jerbic, City Attorney

Summary: Amends LVMC 6.39.050 and 9.16.040 to establish requirements and limitations for outdoor speakers and other amplification devices within the Downtown Entertainment Overlay District.

At the City Council meeting of
October 3, 2018

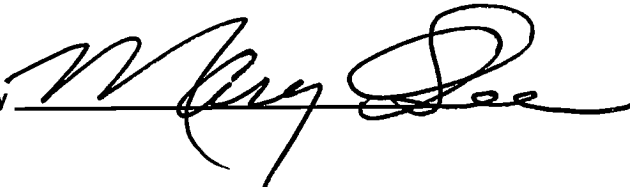
BILL NO. 2018-46 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

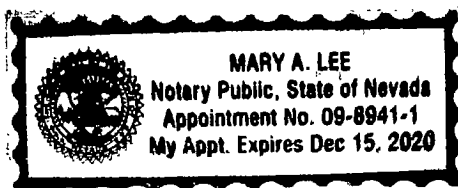
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: Oct. 4, 2018
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 4th day of October, 2018

Notary 



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 0001013199

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2018 OCT 25 A 11:51

Leslie McCormick, 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 10/20/2018 to 10/20/2018, on the following days:

10 / 20 / 18

BILL NO. 2018-46
ORDINANCE NO. 6648

AN ORDINANCE TO AMEND LVMC 6.39.050 AND 9.16.040 TO ESTABLISH REQUIREMENTS AND LIMITATIONS FOR OUTDOOR SPEAKERS AND OTHER AMPLIFICATION DEVICES WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE 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 3rd day of October, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of October, 2018, 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 adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Anthony, Coffin, Seroka and Crear

VOTING "NAY": NONE

EXCUSED: Councilwoman Fiore

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: October 20, 2018
LV Review-Journal

/s/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 22nd day of October, 2018

Notary 