

**Carson City
Agenda Report**

Date Submitted: April 26, 2011

Agenda Date Requested: May 5, 2011

Time Requested: 20 minutes

To: Board of Supervisors

From: Business License Division

Subject Title: Discussion on the proposed modifications relating to the Business License ordinance and possible direction to staff to bring forth amendments to the municipal code. (Jennifer Pruitt/Lee Plemel)

Staff Summary: Staff is proposing to modify the Business License ordinance and is asking the Board to provide input on the modifications prior to the Board of Supervisors amending the municipal code.

Type of Action Requested:

Resolution

Formal Action/Motion

Ordinance

Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to direct staff to bring forth the following proposed amendments to the municipal code:

Explanation for Recommended Board Action: N/A

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.13

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1)
2)

Supporting Material: 1) Memo dated April 14, 2011
2) Assembly Ordinance

Prepared By: Lena Tripp, Senior Permit Technician

Reviewed By:




(Public Works Director)

Date: 4-26-11

(City Manager)

Date: 4/26/11



(District Attorney's Office)

Date: 4/26/11



(Principal Planner)

Date: 4-26-11

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180
planning@carson.org
www.carson.org/planning

MEMORANDUM

Board of Supervisors Meeting of May 5, 2011

TO: Board of Supervisors

FROM: Lee Plemel/Jennifer Pruitt, Permit Center

DATE: April 14, 2011

SUBJECT: **Proposed Business License Ordinance Amendments**

This item is to discuss and received direction from the Board of Supervisors regarding proposed amendments to the Business License ordinance, specifically relating to Special Events. This discussion is intended to be at a general policy level. Based on this discussion and direction from the Board of Supervisors, staff will prepare an ordinance for consideration at a future meeting.

Existing ordinances include the following provisions:

- The Special Event portion of the ordinance needs further details and guidelines

Staff offers the following proposed changes for discussion:

- The majority of the proposed changes to the ordinance involving updating and clarifying information.
- Updating the current Assembly ordinance or incorporating and updating the current information in the Assembly ordinance to be combined with the Special Event portion of the Business License ordinance. The information would be in regards to Fire, Sheriff, Public Works, clean-up, and cost recovery.
 - With Special Events becoming more complex in nature and the number of people attending increasing, staff feels either the Assembly ordinance needs to be updated or incorporated into the current Business License ordinance and guidelines need to be created for a more complete review by the Fire Department, Sheriff's Department, and Public Works in regards to public safety, clean-up, and potential cost recovery.

If you have any questions or would like additional information, please contact me at 283-7075 or lplemel@carson.org.

Carson City, Nevada, Code of Ordinances >> - CARSON CITY, NEVADA >> Title 4 - LICENSES AND BUSINESS REGULATIONS >> Chapter 4.28 - ASSEMBLIES >>

Sections:

Chapter 4.28 - ASSEMBLIES

- 4.28.005 - Finding and purpose.
- 4.28.010 - Definitions.
- 4.28.020 - License required.
- 4.28.030 - License application—Time—Contents.
- 4.28.040 - Event plans.
- 4.28.050 - Processing application—Hearing—Issuance of license.
- 4.28.060 - Grounds for denial of license—Notice of denial.
- 4.28.065 - Duration of license.
- 4.28.070 - License conditions.
- 4.28.080 - Violations—Remedies.
- 4.28.085 - Alcoholic beverages—Violations.
- 4.28.090 - Divisibility.
- 4.28.100 - Revocation of license—Notice of intent to revoke.

4.28.005- Finding and purpose.

The board finds and declares that it is necessary for the protection of health and welfare of the general public and the inhabitants of the city that rules and regulations be established for the purpose of regulating assemblies to insure the public health and safety, proper sanitary conditions, proper police protection and to comply with NRS 244.354.

(Ord. 1999-7 (part), 1999).

4.28.010- Definitions.

The following terms as used in this chapter shall, unless the context clearly indicates otherwise, have the respective meanings herein set forth:

1. "Assembly" means a company of persons gathered together for any purpose at any location, other than in a permanent building or permanent installation, which has been constructed for and will accommodate the number of persons gathered therein. Events which are subject to the provisions of this chapter include, but are not limited to music festivals, rock concerts, carnivals, tent shows, circuses, protests, demonstrations, cultural festivals, dances, plays, stage shows, rodeos, automobile races, motorcycle races and sporting events.
Specifically excluded from applicability of this chapter are:
 - a. Gaming facilities;
 - b. Regular school sporting activities and assemblies conducted by a school at a school facility;
2. "License board" or "board" means the liquor and entertainment board.
3. "Person" means any individual, partnership, corporation, firm, company, association, society or group.

(Ord. 1999-7 (part), 1999; Ord. 1979-19 § 1 (part), 1979).

4.28.020- License required.

1. Every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of one thousand (1,000) or more individuals at one time shall obtain a license from Carson City for such event.
2. Tent shows or circuses are also required to obtain a license.

(Ord. 1999-7 (part), 1999; Ord. 1979-19 § 1 (part), 1979).

4.28.030- License application—Time—Contents.

Application for a license to conduct an assembly shall be submitted in writing to the Carson City treasurer at least sixty (60) days prior to the time indicated for the commencement of the event unless otherwise stated herein. If the event as described above contemplates attendance as described in section 4.28.050, paragraph 5, subsections b or c, the application shall be accompanied by a nonrefundable application fee in the amount of twenty-five dollars (\$25.00). No application fee is required of a Carson City based charitable or nonprofit organization in good standing.

The application shall include the following information:

- a. The name, age, residence and mailing address of the person making said application. If the application is made by partnership or corporation, the names and addresses of the partners or officers must appear. The application must be signed by a partner, officer or authorized representative;
- b. The kind, character, or type of event or events which the applicant proposes to maintain, promote, stage, conduct, operate, sponsor, advertise, sell or furnish tickets to, or carry on shall be specified in a statement, including, but not limited to the following for each event or series of similar events where applicable:
 1. The names of the performers and/or performing groups,
 2. The entrance fee, if any, to the public,
 3. The number of tickets and/or passes that will be printed and/or distributed to the public,
 4. The type and extent of the promotional advertising specifying the type of media, the geographical area covered by said media, and other details of the information communicated to the public;
- c. The date or dates and the hours during which the event is to be conducted;
- d. An estimate of the number of customers, spectators, participants and other persons expected to attend the event for each day it is conducted;
- e. The applicant shall provide names and addresses of anyone investing greater than five thousand dollars (\$5,000.00) in producing the event;
- f. Upon notification by the treasurer of an application, the sheriff, at his discretion, may require the applicant to appear and be fingerprinted;
- g. The address and legal description of the place where the proposed event is to be conducted, operated or carried on. Additionally, the applicant must submit proof of ownership of the location or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed event.

(Ord. 2003-23 § 1 (part), 2003: Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).

4.28.040- Event plans.

The applicant shall submit to the treasurer along with the application, a detailed explanation of the applicant's plans to provide security and fire protection, water supply and facilities, food supply and facilities, sanitation facilities, medical facilities and services, vehicle parking spaces, vehicle access and on-site traffic control, and, if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities. The applicant's plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for cleanup of the premises and removal of rubbish after the event has concluded. A plot plan showing arrangement of the facilities including those for parking, egress and ingress shall be submitted with said application.

(Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).

4.28.050- Processing application—Hearing—Issuance of license.

1. Upon the receipt of a complete application and application fee if applicable, the treasurer shall set the application for public hearing at a regular meeting of the board held not less than fifteen (15) days nor more than thirty (30) days after receipt of the application, and shall give not less than ten (10) days' written notice thereof to said applicant.
2. The treasurer shall promptly furnish copies of said application and notice of hearing to the sheriff, development services, community development, chief of fire department and public health officer, who shall investigate the application and report in writing to the board not later than the aforementioned hearing with appropriate recommendations related to their official functions, as to granting a license and conditions, limitations or restrictions thereof.
- 3.

Based on the evidence presented at said hearing, including the reports of above stated departments, the board may grant a license, deny a license or set conditions, limitations, or restrictions that must be met or security given that such conditions will be met before a license may be granted.

4. If conditions are imposed by the board, applicant shall furnish or cause to be furnished to the treasurer proof that all conditions have been met before any license may be issued.
5. When the board determines that a license may be granted such license shall specify the number and type of entertainment and events and the number of days operation authorized. The treasurer shall issue a license specifying the name and address of the licensee, the number and type of events and the duration of the license, upon receipt of the following license fee for each event:
 - a. If one thousand (1,000) to four thousand (4,000) people at any one time are reasonably anticipated by the applicant, the license fee shall be set by the board by resolution at not more than one hundred dollars (\$100.00) per day;
 - b. If four thousand (4,000) to eight thousand (8,000) people at any one time are reasonably anticipated by the applicant, the license fee shall be set by the board by resolution at not more than two hundred dollars (\$200.00) per day;
 - c. If more than eight thousand (8,000) people at any one time are reasonably anticipated by the applicant, the license fee shall be set by the board by resolution at not more than three hundred dollars (\$300.00) per day;

The board may waive the license fees described in subsections a, b and c above where the applicant is a charitable or nonprofit organization. An application submitted under subsection a may be approved by the treasurer unless a waiver of license fee is requested. There will be no charge for a license where a national organization of ex-serviceman participates in the tent show or circus or the proceeds thereof.

6. A licensee shall keep said license posted in a conspicuous place on the main premises where the event is conducted.
7. No license issued pursuant to this chapter shall be transferable or removed to another location without prior approvals being obtained.

(Ord. 2003-23 § 1 (part), 2003: Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).

4.28.060- Grounds for denial of license—Notice of denial.

1. After holding a required public hearing, the board may deny issuance of a license if it finds any of the following:
 - a. That the applicant fails to meet the conditions imposed pursuant to this chapter.
 - b. That the assembly will be conducted at a location or in a manner not meeting the health, development services, fire or building and safety standards established by the Carson City Municipal Code or the laws of the state of Nevada;
 - c. That the applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for a license;
 - d. That the applicant, his employee, agent or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has previously conducted a type of assembly indicated in the application, which resulted in the creation of a public or private nuisance;
 - e. That the applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has been convicted in a court of competent jurisdiction, by final judgment of:
 - (1) An offense involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;
 - (2) An offense involving lewd conduct;
 - (3) An offense involving the use of force and violence upon the person of another;
 - (4) An offense involving misconduct with children; or
 - (5) A felony.
2. Where the application is denied, the treasurer shall cause to be mailed to the applicant written notice of said denial within fourteen (14) days of said action, which notice shall include a statement of the reasons the application was denied.

(Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).

4.28.065- Duration of license.

No license shall be granted for a period exceeding one calendar year. A single license may be issued for more than one entertainment event. Fees are per day.

(Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).

4.28.070- License conditions.

1. At the hearing required under Section 4.28.050, the board may establish conditions which must be met prior to the issuance of any license under this chapter, except that the board may take a matter under submission before determining which conditions shall be imposed. Where the board takes a matter under submission, written notice of any conditions imposed as a prerequisite to the issuance of a license must be mailed to the applicant within ten days of the original hearing.
2. Conditions and requirements which may be imposed by the board pursuant to Carson City's general police power for the protections of health, safety and property of local residents and persons attending assemblies in Carson City, are as follows:
 - a. Police Protection. Every licensee may be required to furnish at his own expense, police protection.
 1. The number and type of officers shall be determined and specified by the sheriff of Carson City to provide for the preservation of order and protection of property in and around the place of the event.
 2. Where Carson City sheriff's deputies are utilized, funds to employ this specified number of law enforcement officers at the current hourly salary for sheriff's deputies, shall be deposited with Carson City at least ten (10) days prior to the specified date.
 3. Where only private security officers are used they shall be paid solely by said licensee and an adequate number shall be stationed inside and outside the facility when the event is conducted.
 1. Where flush-type toilets cannot be made available, the board together with the county health officer may consent to the use of portable chemical toilets.
 2. Chemical toilets must be emptied at licensee's expense as necessary and pursuant to procedures established by the county health officer.
 3. Such facilities must meet with the approval of a county health officer before any license may be issued.
 4. Additionally, such facilities shall be erected on the premises of the event giving sufficient time before the event is to occur, for the inspection of the county health officer.
 - d. Trash Cans and Litter Control. Every licensee may be required to furnish an ample supply of trash cans on premises for the event.
 1. Proof of the requisite quantity of trash and refuse receptacles must be made before any license will be issued.
 2. Additionally, said refuse receptacles must be on the premises of the event giving sufficient time before the event is to occur, for the inspection of the county health officer.
 3. Trash and refuse shall be emptied at licensee's expense as necessary pursuant to procedures established by the county health officer.
 4. Every licensee may be further required to provide measures to control litter before, during and after an event.
 5. Trash collection and litter control systems shall meet with the approval of the county health officer before any license is issued.
 - e. Medical Facilities. A licensee may be required to provide emergency medical treatment facilities on the premises of the event.
 1. A location of such facilities, numbers and type of medical staff needed to staff said facilities and the quantity of medical supplies, drugs, ambulances and other equipment that must be on site, must be approved by the county health officer prior to the issuance of any license under this chapter.
 2. The county health officer shall calculate the need for the above indicated medical services, based on the number of persons expected to attend the event, their expected age group, the duration of events planned, the possibility of exposure to inclement weather and outdoor elements.
 3. Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance, helicopter and other emergency vehicles to transport patients, or staff to appropriate on and off-site treatment facilities.
 - f. Food Concessions. In the case of events proposed to be held in areas of substantial distance from markets, restaurants or like eating establishments, applicant may be required to demonstrate that food will be available at the premises for each day of operation to adequately feed the number of people to be in attendance.
 1. Concessionaires must be licensed pursuant to local regulations and state laws.
 2. Quality and quantity of food and location of the concessions must be approved by the county health officer prior to the issuance of any license.
 - g. Parking Areas, Access and Parking Controls. Every licensee may be required to provide adequate parking space for persons attending the event by motor vehicle.

1. The city engineer and sheriff must approve the licensee's "parking plan" before a license shall be issued.
 2. Every licensee shall provide adequate ingress and egress to the event premises and parking areas therefor.
 3. Necessary roads, driveways, entrance ways shall exist to insure an orderly flow of traffic into the premises from a highway or road which is part of the Carson City or state of Nevada highway system.
 4. The city engineer and sheriff must approve the licensee's plan for ingress and egress before a license may be issued.
 5. Additionally, any applicant may be required to show that traffic guards are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the area when the event is conducted.
- h. Fire Protection. Every licensee may be required to provide at his own expense adequate fire protection as determined by the chief of the Carson City Fire Department.
1. If the event is located in a hazardous fire area a suitable number of fire guards shall be employed by the licensee who shall be approved by the chief of the fire department.
 2. Flammable vegetation and other fire hazards shall be removed and in such a quantity as determined by the fire chief.
 3. First aid and fire extinguishing equipment shall be provided by the licensee.
- i. Overnight Camping Facilities. Every licensee authorized to allow persons who attend the event to remain on the premises overnight may be required to provide camping facilities in an overnight area.
1. Such areas and facilities must be approved by the county health officer prior to the issuance of any license.
- j. Alcohol. Every licensee may be required to control or prohibit the distribution, possession, sale, bartering, or any other like method of exchange of all alcoholic beverages at or near the area of the event.
1. Said control shall be determined by the board at the aforementioned hearing.
- k. Hours of Operation. All events which are subject to license under this chapter shall cease operation continuously between the hours of one a.m. and eight a.m. of each and every day.
- l. Illumination. Every licensee planning to conduct an event after dark, or planning to allow persons who attend to remain on the premises after dark, may be required to provide electrical illumination to assure that those areas which are occupied are light at all times.
1. The development services must approve the applicant's light plan before a license is issued.
- m. Communications Systems. A licensee may be required to establish a communication system for public use where ordinary communication is not available.
- n. Bonds/Deposit/Insurance.
1. An applicant may be required to submit a surety bond written by a corporate bonding company authorized to do business in the state of Nevada, in a penal amount determined by the board.
 2. Applicant may be required to pay a refundable deposit to the parks and recreation department or to development services before being allowed to use city property.
 3. When the event is held on city property the applicant will need to provide the city with a copy of liability insurance naming the city of Carson City as an additionally insured in the amount of one million dollars (\$1,000,000.00).
- o. Miscellaneous. Any licensee may be required to meet any other conditions prior to receiving a license to conduct an event which is reasonably calculated as necessary to protect health, welfare and property of local residents and persons attending the event.
1. Other requirements may include: disclosure of financial statements.

(Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).

4.28.080- Violations—Remedies.

1. It is unlawful for any licensee or any employee, agent, or person associated with said licensee, to do any of the following:
 - a. Conduct an event at which one thousand or more spectators and/or participants are reasonably anticipated at any one time without first procuring a license, as defined herein, to do so;
 - b. Sell tickets to an event or advertise an event without a license first having been obtained;
 - c. Operate, conduct or carry on any event in such a manner as to create a public or private nuisance;
 - d.

- Exhibit, show or conduct within said place of event any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter what name designated;
- e. Allow any person on the premises of the event to cause or create a disturbance in, around, or near the place of the event, by offensive or disorderly conduct;
 - f. Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while on the site of the event except where such consumption or possession is expressly authorized under the terms of this chapter and under the laws of the state of Nevada;
 - g. Knowingly allow any person while in, around or near the event to use, sell, or be in possession of any controlled substance, as defined by the Nevada Revised Statutes.
2. Any of the violations enumerated in subsection 1 of this section shall constitute a criminal act and shall be punishable pursuant to the Carson City Municipal Code and the laws of the state of Nevada. It is provided, however, that Carson City retains all civil remedies including the right of civil injunctions for the preventions of said violations and for the recovery of money damages therefor.
 3. Any building or structure set upon, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter and any land, building, or premises established, conducted, operated, used or maintained contrary to the provisions of this chapter shall be, and the same is hereby, declared to be unlawful and a public nuisance and the district attorney of Carson City shall, on order of the board immediately commence an action or proceedings for the abatement and removal and an injunction thereof in the manner provided by law. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 1999-7 (part), 1999: Ord. 1980-18 § 1, 1980: Ord. 1979-19 § 1 (part), 1979).

4.28.085- Alcoholic beverages—Violations.

1. At any event for which a license for the sale of alcoholic beverages has not been specifically approved, the approving authority (the board) may determine whether the possession or consumption of alcoholic beverages on the premises shall be allowed. If not allowed, a resolution to that effect shall be prepared for the consideration of the board.
2. The resolution shall describe the event, times, dates and premises upon which the possession or consumption of alcoholic beverages shall be prohibited. The resolution shall be delivered to the licensee. Copies of the resolution shall be prominently posted and displayed at every entrance to any affected premises.
3. It is unlawful:
 - a. For any person to sell, give away, possess or consume any alcoholic beverage at the time and place prohibited in such resolution;
 - b. For any licensee, or employee, agent or person associated with a licensee to fail to display such a resolution at every entrance to any affected premises, or knowingly allow any person on affected premises to sell, give, possess or consume any alcoholic beverages.
4. Any violation of this section shall be deemed a misdemeanor.

(Ord. 1999-7 (part), 1999: Ord. 1980-18 § 2, 1980).

4.28.090- Divisibility.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).

4.28.100- Revocation of license—Notice of intent to revoke.

1. The board has the power to revoke any licenses and reinstate any licenses upon suitable conditions. The board may revoke any license(s) when any of the following causes exist:
 - a. Any of the conditions and requirements of Section 4.28.070 are not met;
 - b. Any of the violations of Section 4.28.080 are found to exist.
2. Notice of intent to revoke shall be given and the licensee shall be entitled to a hearing.
3. The board shall give notice setting forth the causes for revocation and shall state the time and place where the matter of revocation will be heard before the board.
4. The notice shall be mailed not later than ten days prior to the date set for the hearing.
5. The board shall hear all interested parties and may revoke a license for one or more causes enumerated in said Sections 4.28.070 and 4.28.080.
6. Notwithstanding any other provisions of this section, the sheriff may issue an emergency order revoking a license when the sheriff believes that such action is necessary for the immediate preservation of the

public peace, health, safety or general welfare. The emergency order shall set forth the grounds upon which it is based, including a statement or facts constituting the emergency necessitating such action. The emergency order shall be effective immediately upon issuance and service upon the licensee or agent of the licensee.

7. A license may be reinstated with condition.

(Ord. 1999-7 (part), 1999: Ord. 1979-19 § 1 (part), 1979).