

CLARK COUNTY, NEVADA

Business Impact Statement

(NRS 237.090)

Clark County Code Proposed Amendments to Titles 6 and Title 8 as follows:

Amending Title 6 by adding a new Chapter 6.145 – Special Events;
And revising: Title 6, Chapter 6.12 – Fees and Related Matters;
Chapter 6.20 – Motion Picture and Television Productions;
Chapter 6.30 – Multiple Vendor Arena Shops;
Chapter 6.36 – Auction Sales;
Chapter 6.48 – Traveling Shows;
Chapter 6.56 – Peddlers, Solicitors, and Temporary Merchants;
Chapter 6.65 - “Rock” Music Concerts;
Chapter 6.67 – Outdoor Festivals; and
Title 8, Chapter 8.20 – Liquor License Regulations

Upon request, a copy of the Business Impact Statement can be obtained from the Clark County Department of Business License and such requests should be sent to:

Clark County Department of Business License
Chapter 5.02
500 S. Grand Central Pky., 3rd Flr
Box 551810
Las Vegas, NV 89155-1810

or a copy may be obtained from the following website:

www.clarkcountynv.gov/businesslicense.

Description of the proposed ordinance or rule:

The proposed amendments to the Clark County Code will establish and clarify certain requirements and provisions concerning the licensing and permitting of special events.

Intent of the proposed ordinance or rule including issues to be resolved or other factors to be considered:

The intent of this proposed ordinance is to better prepare the County to respond to the effects of large events that impact County resources by defining “special event”, requiring necessary licenses and permits, requiring certain information for large events, and establishing certain duties of persons holding a license or permit for a special event.

Description of the manner in which public comment, data or arguments was solicited from affected businesses and/or community stakeholders:

On March 20, 2023, the County sent a Notification of Proposed Amendments to Clark County Code, Title 6, Chapters 6.145 – Special Events (new), 6.12, 6.20, 6.30, 6.36, 6.48, 6.56, 6.65 and 6.67, and Title 8, Chapter 8.20 (Notification Letter, Attachment #1) and the Proposed Ordinance to various business associations, chambers of commerce, attorneys, concert promoters, professional promoters, carnivals and traveling shows, liquor caterers, food caterers, auctioneers, special events permit holders, multi-vendors, liquor licensees and other interested parties. Several meetings were held in November 2022 with representatives from Allegiant Stadium, various promoters, Chambers of Commerce, the Las Vegas Convention and Visitors Authority and the Nevada Resort Association to gather information and feedback on provisions to be included in the proposed ordinance. The Notification and proposed ordinance were also available on the Department of Business License’s website. Recipients of the Notification Letter were encouraged to respond with any comments or concerns regarding the proposed ordinance.

Summary of public comment, data or arguments including the number of public comments received:

Following a comment period that lasted 18 business days, five comments were received. {*County responses are in italics.*}

Comment #1 – Nevada Resort Association (Attachment #2)

The Nevada Resort Association (NRA) is concerned about the following issues:

1. The proposed provisions in Section 6.145.030 will require certain operators to submit new notifications to the County for several hundred event per year including recurring performances held at certain resort theaters. The requirement to provide a separate notification for each special event is a significant and administrative burden. An alternative notification process should be considered for events held in a permanent building or facility licensed and operated for the purpose of conducting such events as the routine, normal course of business.
2. The proposed ordinance does not include conventions in the definition of “special events” and the NRA is requesting clarification that the proposed ordinance does not apply to conventions held inside a hotel ballroom or convention facility. Including conventions would create a significant burden on the industry.
3. The proposed ordinance needs to be clarified when referring to “working days” and “calendar days”. As the County conducts routine business operations Monday through Thursday, there are 20% fewer working days to submit a proposed notification of an event. It would be helpful to define or clarify “working day”. {*The term “working days” was changed to “calendar days”.*}

4. Section 6.145.030 requires a new registration to be submitted for any substantial change to the event or a cancellation of the event, but “substantial change” is not explained. Also, the proposed ordinance does not account for the situation when an event is cancelled on the same day it is scheduled or during the actual event time. Additional clarity needs to be added regarding these two situations.
5. The proposed ordinance does not include any penalties, but in Section 6.04.140 of the Code prescribes a criminal penalty for non-compliance with “any of the provisions of Titles 6, 7 or 8”, which seem excessive. With the new notification requirements being administrative in nature, it would seem justifiable to exempt the requirements of Section 6.145.030 from penalties or provide a more reasonable administrative penalty.
6. Information pertaining to ticket sales is considered proprietary and disclosure of such information can create competitive disadvantages. The NRA requests clarification that such information submitted to the new notification requirement be expressly deemed confidential and protected from disclosure.
7. Many of the locations where special events are held include highly sensitive and secure back-of-house or restricted areas. The NRA suggest an amendment to Section 6.145.040 requiring the presentation of “government-issued credentials” upon arrival at the special event location.
8. There are separate definitions and regulatory requirements for professional promoter, general promoter and music concert promoter in Chapters 6.12, 6.56 and 6.65, respectively. It would be helpful to exclude music concert promoter from the definitions of professional and general promoter.
9. The NRA is requesting clarification of Section 6.65.140 of the proposed ordinance regarding applicability of Chapter 6.65 of the Code. A revision is suggested that affirms that a concert permit is not required for every concert held on the premises of a permanent establishment or facility that is zoned, licensed and operated to hold events as the routine normal course of business.
10. Some event promoters may only promote a single or very few events per year. The NRA believes that the requirement to obtain a privileged Professional Promoter and/or Music Concert Promoter license for a small number of events per year could deter those individuals from holding such events. An alternative would be to require a less time intensive provisional Professional Promoter or Music Concert Promoter license for an operator that holds fewer than three events per year.
11. In Subsection 6.65.020(b) of the proposed ordinance “music concert promoter” identifies three elements defining that term, but does not include the word “and” or “or” so it is unclear as to whether all three elements must be met or just one. A suggestion is made to add the word “and” between number 2 and number 3 and to change number 3 to read “right

to receive admission ticket receipts.” {*The word “and” has been added between subsection (2) and (3) of Section 6.65.020(b).*}

12. The NRA expressed a concern regarding events that occur both indoors and outdoors at the same location that will pose significant burdens of duplicating permitting, notification and regulatory requirements. A suggestion was made to revert to the prior definition of “outdoor festival” that provided that outdoor entertainment that is incidental to a primary, larger event of a permanent building or installation is not a separate outdoor music festival for licensing and permitting purposes.

13. The NRA is requesting an effective date for the ordinance of a minimum of six months following adoption in order for the affected parties to make the numerous operational and administrative adjustments necessary.

Comment #2 – FILM THIS! (Attachment #3)

The commenter expressed concern regarding the 10-day advance notice requirement for film permits and recommended a 5-day notice and that a 10-day advance notice could be a deterrent to filming.

Comment #3 – Blondies (Attachment #4)

The commenter expressed concern over more regulation and permit fees when business owners are dealing with inflation, employee shortages, tax increases and rising costs of goods and utilities.

Comment #4 – Viva Las Vegas (Attachment #5)

The commenter believes the multi-vendor permits are a great idea, but there should be a system to allow for the addition of late comers as a lot of the vendors are very disorganized and come in at the last minute. The commenter understands the reasons for background checks, especially for new promoters, but not sure it is necessary for promoters that have been operating for a long time. Also, coordination with the state to provide all of the information required would be helpful.

Comment #5 – Clark County Department of Aviation (Attachment #6)

The commenter suggested adding the following sentence to Section 6 of the proposed ordinance: “Use of drones, pyrotechnics, flame, special effects, lasers, etc., must comply with CCC 30.48.140.”

The estimated economic effect of the proposed ordinance or rule on businesses:

1. Adverse effects

The proposed ordinance will require promoters of special events to provide more information to the County such as the type of event, dates of the event and number of expected attendees. For any substantial changes to the event or the event is cancelled a new

registration is required. This will result in additional effort by the promoter to notify the County.

2. Beneficial effects

The proposed ordinance will provide better notification to the County of special events that could have a direct effect on public health and safety regarding the special events and the potential impact on County resources such as fire, EMS and traffic.

3. Direct effects

The proposed ordinance will create a centralized and consistent process for licensing and permitting special events that will identify each event, the type of the event, expected number of attendees and contact information of the promoter of the special event.

4. Indirect effects.

The proposed ordinance will remove some outdated provisions regarding rock music promoter and correct some grammatical errors in existing Code.

5. Other economic effects to be considered.

No other economic effects were identified.

The estimated cost to the local government for the enforcement of the proposed ordinance or rule:

It is estimated that the cost to enforce the Proposed Ordinance will be absorbed by current staff.

The estimated cost to the local government for the administration of the proposed ordinance or rule:

It is estimated that the cost to administer the Proposed Ordinance will be absorbed by current staff.

If applicable, explanation of a new fee or increase to an existing fee including a projection of the annual revenue expected to be collected and the manner in which the revenue will be utilized:

The proposed ordinance establishes an annual fee of \$200 for general promoters which is a new business activity defined by this proposed ordinance. The annual revenue expected from this fee is based on the number of general promoter licenses that will be issued and is unknown at this time. The fees will be deposited into the County General Fund.

Assessment of provisions of the proposed ordinance or rule, which may duplicate or are more stringent than Federal, State or local standards regulating the same activity:

The proposed amendments do not duplicate and are not more stringent than Federal, State or local standards.

If applicable, explanation of why the duplicative or more stringent provisions are necessary:

Not applicable.

Description of the methods that local government considered to modify the proposed ordinance or rule; or otherwise reduce the impact of the proposed rule on businesses, the parties involved, and a statement of the methods used:

After reviewing the comments from the respondents and analyzing potential impacts on businesses it was determined that the proposed ordinance would benefit the needs of the County in being prepared for the impact special events has on the community and, therefore, no changes were made, except for changing the term “working days” to “calendar days” in Section 6.145.030, adding the word “and” between Subsection (b) and Subsection (c) of Section 6.65.020(b), and adding the sentence, “Use of drones, pyrotechnics, flame, special effects, lasers, etc., must comply with CCC 30.48.140.” to Section 6.20.030.

The reasons for the conclusions regarding the impact of the proposed rule on businesses:

In order to provide for a consistent and timely reporting and notification of special events to the County that have been lacking we feel that the provisions in the Proposed Ordinance are necessary and are in compliance with state law.

Certification of Business Impact Statement

I certify that, to the best of my knowledge or belief, the information contained in this Business Impact Statement was prepared properly and is accurate.



Kevin Schiller
County Manager

4-20-23

Date