

Sec. 5.13.091. - Denial of permit issuance

- (a) The city manager shall deny issuance of a permit if any of the following exist:
- (1) The event organizer fails to meet any condition imposed pursuant to the provisions of this chapter.
 - (2) The proposed event will be held in a manner or location not meeting the health, zoning, fire or building and safety standards established by the ordinances of the city or the laws of the State of Nevada.
 - (3) The event organizer has knowingly made a false, misleading or fraudulent statement of material fact in the application for a permit.
 - (4) Except for an expressive activity, the event organizer, his employee, agent or any person connected or associated with the event organizer as partner, director, officer, stockholder, associate or manager has, within the previous five years, conducted the type of event indicated in the application which resulted in the creation of a public or private nuisance.
 - (5) Except for an expressive activity, the event organizer has, within the previous five years, failed to conduct a previously authorized or exempted special event or special activity in accordance with law or the terms of a permit, or both.
 - (6) Except for an expressive activity, the event organizer, his employee, agent or any person associated with the event organizer as partner, director, officer, stockholder, associate or manager has, within the previous five years, been convicted in a court of competent jurisdiction, by final judgment of:
 - a. An offense involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;
 - b. An offense involving lewd conduct;
 - c. An offense involving the use of force and violence upon the person of another;
 - d. An offense involving misconduct with children; or
 - e. A felony.
 - (7) The application is materially deficient so as to reasonably raise substantial doubt as to the event organizer's ability to properly manage, supervise and control the event to prevent or minimize the occurrence of a public disturbance (other than hostile reaction to an applicant's message or identity), nuisance or other threat to public health, property, safety or welfare.
 - (8) The event will require the diversion of so many public employees from their normal duties that the city, with its available city resources, would be unable to reasonably provide for public safety protections and/or provision of public services to the remainder of the city.

- (9) The concentration of persons, animals or vehicles will unreasonably interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
 - (10) The conduct of the event will substantially obstruct or interfere with any construction or maintenance work scheduled or necessarily required to take place upon or along the public streets or event venue.
 - (11) The event substantially interferes with any other special event or special activity for which a permit has already been granted or with the provision of city services in support of other scheduled events or unscheduled governmental functions such as visits of chiefs of state.
 - (12) The event organizer has not provided sufficient off-site parking or shuttle service, or both, when required to minimize substantial adverse impacts on general parking and traffic circulation in the vicinity of the event;
 - (13) The event will have an adverse impact which cannot be mitigated upon residential or business access and traffic circulation in and around the special event venue or special activity venue.
 - (14) The noise generated by the event will unreasonably disturb the peace of persons of reasonable and ordinary sensibilities outside the event venue.
 - (15) The non-payment of any amounts owed by the event organizer to the city that are more than 90 days past due.
 - (16) Failure by the event organizer to participate in a post-event review of a previously authorized special event with the city manager within 75 days of being requested to do so following the conclusion of the previous special event.
 - (17) The event will unreasonably jeopardize the health, safety, welfare or property of the public or the city and the risk cannot be reasonably mitigated.
- (b) The city manager shall either deny the application or issue a permit within the following time frames following receipt by the city of a completed application. Failure to grant the event within the following time frames shall be deemed a denial for purposes of appeal or judicial review. The city manager and the event organizer may extend these time frames by mutual written agreement.
- (1) At least 20 days before the event date if the application is completed 45 or more days before the event.
 - (2) At least ten days before the event date if the application is completed 20 to 44 days prior to the event.
 - (3) At least five days before the event date if the application is completed ten to 19 days prior to the event.
 - (4) Event applications shall not be accepted less than ten days before the scheduled event date, unless specifically authorized by another section.
- (c) Notwithstanding the forgoing deadlines, the city manager shall use reasonable efforts to complete the application review process

promptly.

- (d) Where the application is denied, the city manager shall mail to the event organizer written notice of denial within three business days, which notice shall include a statement of the reasons the application was denied. Failure to grant the permit within the forgoing time frames shall be deemed a denial for purposes of judicial review. A denial may be appealed in accordance with section 5.13.220.

(Ord. No. 6231, § 1, 5-23-12)