



# VEGAS LOVES FESTIVALS

BY MANDY MCKELLAR, ESQ.

A festival is known by Webster's Dictionary as "a time of celebration marked by special observances." Las Vegas is certainly not lacking in festivals – Burning Man, San Genarro, Life is Beautiful, Downtown Brew Festival, Bite of Las Vegas, Food and Wine, Greek Food Festival, Neon Circus Beer Festival—just to name a few. A search of "Las Vegas festivals" on Google usually results in some sort of festival being held each and every weekend.

Recently, residents in Northern Nevada decided to "cash in" on Area 51's social media frenzy, "Storm Area 51." Instead of storming Area 51, attendees ended up having intergalactic peace festivals instead. At the time of this writing, there still seem to be disputes among various groups responsible for these festivals, and the effects are unknown. By not following some of the state and county requirements in the area, many of the other festivals planned didn't obtain approval. In the small area of Rachel, Nevada, it is all pretty alien.

In Nevada, the legal channels involved in setting up a festival are a bureaucratic hot tub of confusion. I will attempt to simplify, however, this is not an all-inclusive explanation of all that is involved in hosting a festival. Depending on what you're doing, there can be more to consider than the elements listed here. State, county and city all require fees at each

level. However, three key components come to mind when considering whether to have a festival – venue, entertainment and food.

## Venue

A "special event" is defined by the Southern Nevada Health District as, "any licensed transitory public gathering that take place at a given location for a specific purpose that is self-limited in connection with a fair, carnival, circus, public exhibition, celebration, tasting event or trade show. Any event cannot exceed 14 days time." Any party/event you attend at any given time may need a "special events permit." All public gatherings are governed by NRS 446.870, NRS 439.410 and NRS 446.865; however, the health district may impose additional requirements to prevent potential health hazards.

If erecting a tent that is more 400 square feet, the county requires a Temporary Membrane/Building Structure/Tent-Outdoor-Fire Department Permit Application to be completed. Special requirements and additional permitting may be necessary if there are fireworks, animals and even swimming pools. Recently, further requirements have been put into place through the Las Vegas Metropolitan Police Department regarding safety of patrons in the event of an emergency evacuation after the devastating effects of October 1, 2017.

Depending on where you are in Las Vegas, the city of Las Vegas, Clark County Parks & Recreation and Southern Nevada Health District are the entities that

oversee special event permits. You can locate a special event package for all applications that are required online at: [www.clarkcountynv.gov/parks/Documents/cultural/ccprspecialeventeventpermitpacket.pdf](http://www.clarkcountynv.gov/parks/Documents/cultural/ccprspecialeventeventpermitpacket.pdf).

Clark County applications must be submitted at least 60 days prior to the event. Any activity that requires the use of any public property, or the temporary use of private property that varies its current land use, must have a permit. All permits will require a site plan to be attached to any application. Some venues, such as casinos, already have this on hand. If there is a street closing, this application requires a map/plan of routing of busses, and a community outreach plan for your business neighbors' permission. You may also have to contact the Nevada Department of Transportation to give you a permit to attach to the special event application. This permit must be approved by Las Vegas Metro Police, Clark County Fire Department and Department of Public Works.

For all non-food vendors, a special permit is required for those selling goods and services at your festival. A list of all non-food vendors must be submitted to Clark County Parks & Recreation at least 20 working days prior to the event in order to fall under the temporary multi-Vendor Business License Department. If vendors are involved, Parks & Recreation requires proof of business licensing. The county encourages you to not make any formal arrangements for the event until the approval is received from the special permit office.

## Food

Culinary experience is an essential of any festival. The Southern Nevada Health District governs temporary food and vendor licenses. All of these requirements are located in Chapter 15 of the Southern Nevada Health District Regulations Governing the Sanitation of Food Establishments. Most food trucks and other food vendors already established will be responsible for filing for a temporary food establishment permit. The event coordinator is required to confirm these permits for the special event permit. All permits will need to be turned in with the special event permit. An event coordinator must also obtain an event coordinator permit; should this not be done, it could result in a cease and desist order being issued. If alcohol is to be served, then a special event liquor license is also required; a liquor license must be granted for any booth in your festival at which you would like to serve alcohol.

Clark County requires an event coordinator permit to be submitted at least 20 days prior to your event, if food is to be served. An event coordinator is responsible for all health-related support services, like water supply and sanitation. The event coordinator is required to be at the event, at all times. It is the event coordinator's responsibility to ensure that the appropriate sanitation support and services are complied with. When food is being sold for a non-profit organization, a permit may not be required, depending on specific circumstances. On the first day of the special event, the health

department representative shall conduct an inspection of the area. If all requirements are met, then the health permit for special event is approved, and the event can begin. The statutory authority is NRS 446.870, which discusses those prohibited acts and those exceptions.

## Entertainment

One of the things that touches festival patrons the most is the music. Festival music can range from large headliners to small cover bands. Knowing who you're going to book depends mostly on budget, availability and the kind of event that you're running. Booking entertainment is not just picking the entertainer, making an offer and signing a contract. There is much more work required. If it's not done properly, you could end up with another Fyre festival.



Renaissance Festival, Oklahoma



An event planned to Storm Area 51, the secret U.S. Air Force secret installation, eventually turned into intergalactic peace festivals.

When you have picked your celebrity or entertainment group, you will then need to reach out to their agency or management.

Prior to contacting the agent, you will need to know everything you can possibly detail regarding the festival; sometimes all permits need to be in place prior, depending on who you're dealing with. The more details you can provide an agent or manager, the better. Talent can be booked for a performance or just a walkthrough. A walkthrough is less expensive than a full performance.

The entertainer's fee, paid to talent for showing up and doing what is asked of them, such as a walkthrough or performance, is not the only portion of fee that is required to be paid. Some entertainers work on a guarantee arrangement where they are paid a fee regardless of how many patrons turn up. Sometimes additional fees come due if there is a sellout and the entertainment exceeded the guarantees, like a bonus. A door split is a financial arrangement where the talent is paid by the amount of ticket sales, rather than a set fee or guarantee.

Some entertainers require much more beyond just their fee. You will need to provide those items that the entertainer also needs to perform, such as flights, hotel, travel, equipment and

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specific rider requests. Some may need to ship their equipment or have specific requirements for the equipment that they will use (like the sound system). If your celebrity or performer has an entourage, you may need to pay for them as well. Obviously, if the entertainer lives in your area, some of these costs may be cut down, or if the artist is already touring in your area at the time, the costs can be cut further. This is why timing and venue can be a very important aspect of your festival.

Of course, big entertainment is not always required for a successful festival. Some would say that cover bands and local bands are just as an effective form of entertainment. Most can be contacted directly through their social media pages, will play their music at your event for a nominal flat fee and bring their own equipment.

Though not an exhaustive list of requirements, the above information is a small representation of all that is involved in the preparation of a festival. The next time you're scarfing down your favorite dish and having a drink while listening to your favorite band at a festival, perhaps you will realize the sheer volume of work, people and paperwork that was required to make



Vendors offer arts and crafts to attendees of the 25th annual "Matthews Alive" street festival.

that event happen. Quoting Henry Rollins, "Each year, every city in the world that can should have a multiday festival. More people meeting each other, digging new types of music, new foods, new ideas. You want to stop having so many wars? This could be a step in the right direction." **NL**



**MANDY MCKELLAR** is the owner of McKellar Law Office specifically focusing on the areas of family law, criminal law and entertainment law. She can be reached at (702) 816-5200 or [www.mckellarlawoffice.com](http://www.mckellarlawoffice.com).

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