BILL NO. 2009-45

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY'S REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES, INCLUDING UPDATES TO LICENSING CATEGORIES, STANDARDS AND DEFINITIONS, AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson

Summary: Amends the City's regulations pertaining to alcoholic beverages, including updates to licensing categories, standards and definitions.

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

SECTION 1: Title 6, Chapter 50, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.010: The City Council declares that this [Liquor] Alcoholic Beverage Control Chapter is an exercise of the regulatory powers delegated to the City Council pursuant to the City Charter and NRS 268.090, inter alia. The regulations contained in this Chapter involve, to the highest degree, the economic, social, physical and moral well-being of the residents and taxpayers of the City. The sale or other disposition of alcoholic beverages is not a matter of right but of privilege, which would otherwise be unlawful if it were not exercised pursuant to a license. This privilege may be denied, revoked, conditioned, suspended or subjected to any other disciplinary action by the City in the exercise of its police powers for the protection of the safety, welfare, health, peace and morals of the residents and taxpayers thereof. Businesses engaged in the sale or other disposition of alcoholic beverages must therefore comply with LVMC Chapter 6.06. Every person licensed pursuant to this Chapter shall cooperate with Department and Metro personnel in the exercise of their duties under this Chapter. Nothing in this Chapter shall be construed to confer any legitimate claim of entitlement to any benefit which might otherwise devolve upon any licensee or any person approved for suitability.

SECTION 2: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.020: Unless the context otherwise requires, the scope of all words in this Chapter shall be liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following

words shall have the meaning ascribed to them as follows:

"Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted, mixed or combined with other substances. Any liquid or solid containing beer or wine in combination with any other alcoholic beverage shall not be construed to be beer or wine.

"Alcoholic beverage caterer" means a person who serves or sells alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the times, dates and places specified by permit.

"Art gallery or art studio" means a business establishment where the general public is invited to view artistic exhibitions, presentations and performances.

"Banquet [facility] or event establishment" means any [business] establishment which is rented by individuals or groups to accommodate private [functions such as banquets, weddings, anniversaries, and other similar celebrations.] or public events. Such establishment may or may not include:

(1) Kitchen facilities for the preparation or catering of food.

(2) Outdoor gardens or reception facilities.

"Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or similar product, or any combination thereof, in water.

"Commercial center" means a concentration of retail stores that:

(1) Contains at least eighty thousand square feet of retail space enclosed within a building or buildings;

(2) Contains at least one anchor retail store of at least twenty thousand square feet;

(3) Includes a parking lot common to the retail stores; and

(4) Is situated on at least fifteen gross acres of land.

"Container," except as the context otherwise requires, means a receptacle provided by an establishment (or otherwise) from which alcoholic beverages are consumed on the premises of the establishment.

"Convenience store" means a retail establishment other than a drugstore, which:

(1) Offers for sale prepackaged food products, household items and other goods commonly associated with those products and items, provided that not more than thirty percent of its physical retail inventory on the establishment premises is devoted to alcoholic beverages; [and]

(2) Contains not less than one thousand-two hundred square feet, nor more than five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and office areas[.]; and

(3) Displays alcoholic beverages for sale no closer than ten feet from any public entrance to the establishment.

"Convention facility" means a structure which has at least 100,000 square feet of floor space utilized for scheduling, hosting or accommodating a convention, trade show or temporary event, whether the activity is open or closed to the general public. For purposes of this Chapter, the term includes a stadium facility that is operated in conjunction with a convention facility, but does not include a permanent trade show facility.

"Cooler" means any prebottled alcoholic beverage, other than beer or wine, that is a distillate obtained from the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

"Downtown entertainment overlay district" means that area of the City bounded by Ogden Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street on the east.

"Drugstore" means a business establishment which occupies the entire business premises of a building, or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, where a State licensed pharmacist is present at all times the pharmacy operation is open for the purpose of compounding or dispensing, or both compounding and dispensing of drugs and medicines, and where a grill and fountain service is permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health items.

"Dues" means fees paid on a monthly, quarterly, semiannual or annual basis for the right to participate in the planning of activities and the utilization of services offered by a nonprofit corporation, association or organization. The term "dues" does not include fees paid for the purchase of drinks, meals or other services offered by a nonprofit corporation, association or organization.

"Event" means private or public activity, including, but not limited to, weddings, birthdays, ceremonials, commemorations, anniversaries, family reunions, fund raisers, political campaign gatherings, and religious or other types of observances.

"Gift basket" means a receptacle or container that may be filled with food items or novelty items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities not greater than seven hundred fifty milliliters measured in the metric system of weights and measures.

"Groceries" means staple food stuffs, dairy products, meats and produce meant for human consumption; articles used in the preparation of food; and household supplies.

"Grocery store" means a business establishment which occupies all of the business premises of a building or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, and which contains more than five thousand square feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of warehouse and office space. The term does not include an establishment in which more than thirty percent of the physical retail inventory on the establishment premises consists of alcoholic beverages.

"Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages are sold for consumption in specified areas only.

"Key employee" means an employee designated by a business licensee to oversee the operations of the business in the absence of the licensee.

[“Liquor caterer" means a person who dispenses, serves or sells alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the times, dates and places specified by permit.]

"Liquor store" means a specialty retail store which does not allow entry to minors and which deals exclusively in alcoholic [liquors] beverages and related items including magazines, newspapers and packaged snack foods.

"Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

"Meal" means an assortment of food listed on a menu [or otherwise offered as] which must include

entrees, appetizers, side items and desserts available for purchase at various hours of the day. [The term "meal" does not include food listed on a menu or otherwise offered that consists solely of sandwiches or salads, or both sandwiches and salads.]

"Nonprofit club" means any nonprofit corporation, association or organization which has been in continual existence for at least two years prior to applying for a license under this Chapter, and:

(1) Is organized or qualified to do business and operate under the laws of the State;

(2) Has tax-exempt status granted by the United States Internal Revenue Service;

(3) [Has] Maintains a membership of at least one hundred active members who are residents of Southern Nevada, who are twenty-one years of age or older and who pay dues to the nonprofit corporation, association, or organization; [and]

(4) Operates a clubhouse, clubroom or meeting room in a permanent location which it owns or leases[.]; and

(5) Maintains a sign-in log that each member and the member's guests must sign upon entering the club house, clubroom or meeting room operated by the club.

"Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for consumption off the premises where the same are sold.

"On-sale" means the sale of alcoholic beverages for consumption on the premises where the same are sold.

"Permanent trade show" means an event held at a permanent trade show facility where products, goods or wares are displayed for the purpose of exhibitors demonstrating and soliciting orders for the wholesale of or offering for wholesale of such products, goods or wares exclusively to members of a specific industry or industries.

"Permanent trade show facility" means a parcel or contiguous parcels of land with one or more buildings located thereon consisting of a minimum of two hundred-fifty thousand square feet of floor space [used] that is designed and intended primarily to conduct one or more permanent trade shows annually, at which members of the general public are not admitted. A "permanent trade show facility" may also be used for events to which the general public is invited.

"Restaurant" means a place which is regularly and in a bona fide manner used and kept open for the

service of meals to guests for compensation; and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals.

"Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant for consumption only in connection with a meal on the premises where the same is sold.

"Sale" means the act of selling and, in connection therewith, "sell" means, for compensation or any other private or public business purpose at a commercial location, to sell, serve, give away, or distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell, serve, give away or distribute.

"Specialty merchandise store" means a retail store located within a commercial center that:

(1) Has at least eighteen thousand square feet of gross floor area;

(2) Has at least eleven thousand five hundred square feet of floor space dedicated to the sale and display of furniture, glassware, kitchenware and other household goods;

(3) Has at least three thousand six hundred square feet of floor space dedicated to the sale and display of gourmet foods and nonalcoholic beverages; and

(4) Maintains an inventory of beer, wine and coolers with a wholesale value of at least twenty-five thousand dollars.

"Super center" means a business which has in excess of twenty-five thousand square feet of floor space devoted for the sale of a multiple line of products, including, but not limited to groceries, electronics, pharmaceuticals, home decorating and improvement supplies, office supplies, clothing and similar items.

"Supper club" means a restaurant and bar operation with alcoholic beverage sales wherein the bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area by minors and the restaurant operation is the principal portion of the business.

"Wedding chapel" means a business establishment that is licensed to perform marriages in accordance with State law.

"Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the purposes of resale.

"Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than twenty-two percent of alcohol by volume.

SECTION 3: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 25, reading as follows:

6.50.025: An alcoholic beverage caterer license authorizes the sale of alcoholic beverages:

(A) By an alcoholic beverage caterer or the caterer's authorized employees;

(B) Only for consumption on the premises where the same are dispensed, served or sold, and only where the premises are at a commercial or other nonresidential location; and

(C) Only during the times, dates and places specified in a permit to provide alcoholic beverage catering services issued pursuant to LVMC 6.50.350.

SECTION 4: Title 6, Chapter 50, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.030: A banquet [facility] <u>or event establishment</u> alcoholic beverage license authorizes the sale of alcoholic beverages for consumption at <u>public or private</u> events on the premises of a <u>licensed</u> banquet [facility.] <u>or event establishment.</u>

SECTION 5: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 45, reading as follows:

6.50.045: A beer/wine/cooler cinema license authorizes the sale only of beer, wine and coolers at a licensed movie theater whose seating accommodates in excess of one hundred at all times, and only when such beverages:

(A) Are ordered and purchased by means of waiter or waitress; and

(B) Are consumed in an area of the theater that is designed and operated so as to be inaccessible to minors except when a minor is accompanied by his or her parent or legal guardian.

SECTION 6: Title 6, Chapter 50, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.050: A beer/wine/cooler on-sale license authorizes the sale only of beer, wine and coolers for consumption only in connection with and during the consumption of a meal on the premises where the same is sold, and where such beverages are served by the licensee or an authorized employee of the licensee. Such a license [and may only be issued] may be issued only in connection with a restaurant [in which forty-five or more people may be served with meals at any one time at tables or stools.] , and the actual seating available at all times for the service of meals (whether at tables, counters or booths) must accommodate at least forty-five persons.

SECTION 7: Title 6, Chapter 50, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.070: [A beer/wine/cooler on-off-sale license authorizes the sale only of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold and authorizes the sale, to consumers only and not for resale, only of beer, wine and coolers, in original sealed or corked containers, for consumption off the premises where the same are sold, and may only be issued in connection with a restaurant, grocery store or convenience store in which forty-five or more people may be served with meals at any one time at tables or stools.]

A beer/wine/cooler on-off-sale license authorizes:

(A) The sale only of beer, wine and coolers for consumption only in connection with and during the consumption of a meal on the premises where the same is sold, and where such beverages are served by the licensee or an authorized employee of the licensee; and

(B) The sale, to consumers only and not for resale, only of beer, wine and coolers, in original sealed or corked containers, for consumption off the premises where the same are sold.

➥Such a license may be issued only in connection with a restaurant, grocery store or convenience store in which the actual seating available at all times for the service of meals (whether at tables, counters or booths) must accommodate at least forty-five persons.

SECTION 8: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 95,

reading as follows:

6.50.095: A general on-sale license authorizes the sale of alcoholic beverages for consumption on the premises of a licensed golf course establishment, sports establishment, cultural establishment, recreational establishment or theme park.

SECTION 9: Title 6, Chapter 50, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.100: (A) A gift basket limited license authorizes the sale of alcoholic beverages in original sealed or corked containers in quantities not greater than twenty-five and four tenths ounces (approximately one and seventy-nine hundredths pints), measured in the English system of weights and measures, or in quantities not greater than seven hundred fifty milliliters, measured in the metric system of weights and measures, to be packaged in a gift basket along with other assorted food items or novelty items, or both, which items have a minimum retail value of thirty-five dollars apart from the retail value of the alcoholic beverages; provided, however:

(1) The contents of the gift baskets are not sold separately but, instead, are included as part of the unit retail sale price of the gift basket; and

(2) The alcoholic beverages are consumed off the premises where the gift basket is sold.

(B) Alcoholic beverages shall comprise not more than twenty percent of the total inventory of merchandise located at a premises for which a gift basket limited license has been issued and shall be stored in such a manner that prevents public access.

(C) A gift basket limited licensee shall not display any advertising on the exterior of his or her licensed premises of the fact that alcoholic beverages are maintained on the licensed premises from which a customer can choose for the purposes of having the item selected included in a gift basket.

(D) A gift basket limited licensee [shall not deliver any alcoholic beverage] <u>may deliver alcoholic beverages</u> to a personal residence in response to a [telephone call requesting such delivery.] <u>request for such delivery, if:</u>

<u>(1) The order is placed by a person who is of legal age to make such</u>

purchase; and

(2) Each sales transaction is documented on forms acceptable to the Director, which shall include:

(a) The business name and address of the licensee;

(b) A detailed list of the number of gift baskets ordered and delivered and the type of alcoholic beverages included in such gift baskets;

(c) The name and address of the purchaser;

(d) The type of identification used to prove the age of the purchaser; and

(e) The signature of the delivery person and the purchaser.

SECTION 10: Title 6, Chapter 50, Section 115, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.115: (A) A grocery store or super center internet sale license authorizes the off-sale of alcoholic beverages [by a grocery store] for delivery to the purchaser's premises pursuant to an internet purchase order placed by the purchaser, subject to the following conditions:

(1) Delivery of the alcoholic beverages must be in conjunction with the delivery of groceries also ordered in the same internet purchase order;

(2) Delivery of the alcoholic beverages may only be made to the person placing the internet purchase order;

(3) The person placing the internet purchase order must be of legal age to purchase alcoholic beverages; and

(4) Each internet sales transaction shall have written documentation of the sale and delivery on forms acceptable by the Director, which shall include at a minimum:

(a) The business name and address of the grocery store or super center;

(b) A detailed list of alcoholic beverages and groceries purchased in each sales transaction;

(c) The name and address of the purchaser;

(d) The type of identification used to prove the age of the purchaser; and

(e) The signature of the delivery person and purchaser involved in the sales transaction.

(B) A grocery store or super center internet sale license is available only if it is issued to a grocery store or super center in conjunction with a package alcoholic beverage license.

SECTION 11: Title 6, Chapter 50, Section 130, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.130: A keg beer license authorizes only the sale of beer in keg containers having a capacity of at least one-quarter barrel size, and only by delivery to the premises of the purchaser. In connection with such delivery to events on commercial or nonresidential premises, the licensee is also authorized to provide pouring services, but only if approved pursuant to LVMC 6.50.350.

SECTION 12: Title 6, Chapter 50, Section 140, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

SECTION 13: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

6.50.140: (A) An instructional wine-making license authorizes the holder of a package license to provide an establishment for instructing persons regarding the making of wine, provided that such licensee first acquires, and maintains in good standing, any required State license or permit.

(B) Wines made during the instructional process may be served by the glass for consumption on the premises of the instructional establishment to those persons involved with the instructional process.

(C) Notwithstanding the provisions of LVMC 6.50.430, persons who have made wine during an instructional process pursuant to this Section may place such wine in containers and remove them from the instructional establishment, but only for their personal use.

SECTION 14: Title 6, Chapter 50, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.150: A nonprofit club general on-sale license authorizes the sale of alcoholic beverages by the licensee or the licensee's authorized employees only for consumption on the premises and only to bona fide members of the club who pay dues to the club, and to their bona fide guests. The club member must accompany any such guests at all times when the guests are in any area in which alcoholic beverages are being sold or consumed under the license described in this Section.

SECTION 15: Title 6, Chapter 50, Section 160, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.160: (A) A nonprofit club restaurant service bar license authorizes the sale of alcoholic beverages within a nonprofit club to members of the general public for consumption only in connection with meals served at tables in a restaurant area of the nonprofit club where members of the general public are invited to dine. A nonprofit club restaurant service bar license is available only if:

(1) It is issued in conjunction with a nonprofit club general on-sale license; and

(2) The restaurant area of the nonprofit club is separated from the other areas of the nonprofit club by a barrier that is sufficient to prevent members of the general public from accessing those other areas.

(B) In connection with the ongoing operation of a nonprofit club restaurant service bar:

(1) The barrier described in Paragraph (2) of Subsection (A) of this Section must be maintained; and

(2) Members of the general public shall not be permitted to directly purchase alcoholic beverages from a nonprofit club restaurant service bar.

SECTION 16: Title 6, Chapter 50, Section 170, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.170: A package license authorizes the sale, to consumers only and not for resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the premises where the same are sold; however, on-premises wine, beer, cordial and liqueur tasting is permitted at a liquor store if the licensee also holds a wine, beer, cordial and liqueur tasting license for that location.

SECTION 17: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 205, reading as follows:

6.50.205: (A) An application for a special event general or special event beer/wine license shall be filed no later than twenty calendar days before the proposed event and must disclose the following information on forms provided by the Department for consideration of approval by the City Council;

(1) Name and address of the applicant:

(2) Date, hours, address and description of the event;

(3) Approximate number of persons and ages expected to attend the event;

(4) Type of alcoholic beverages to be sold or served at the event;

(5) Names of the sponsors and promoters of the event; and

(6) Names and number of security personnel to be present at the event.

(B) Consideration of approval by the City Council may be delayed or withheld if an application is incomplete.

(C) At any special event, there shall be at least one security person for each one hundred people in attendance, plus additional security persons as determined by the Director.

SECTION 18: Title 6, Chapter 50, Section 210, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.210: (A) A supper club license authorizes the on-premises sale of alcoholic beverages within the designated bar area of the supper club for consumption only in the bar area or in connection with meals served at tables in the restaurant area of the supper club.

(B) During all hours the bar is open to the public a cook and food server, other than a bartender, must be available to prepare and serve [full-course] meals.

SECTION 19: Title 6, Chapter 50, Section 220, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.220: (A) The seating area in the bar area of a supper club shall not exceed:

(1) One bar seat or stool for each eight restaurant seats; and

(2) One lounge seat for each three restaurant seats.

(B) The actual seating available at all times within the [restaurant] dining area of a supper club must be able to accommodate at least one hundred twenty-five persons. For purposes of the minimum-seating requirement, the "dining area" does not include bar stool seating at the bar or lounge seating, but may include table or booth seating within the bar area and table seating within a patio area.

SECTION 20: Title 6, Chapter 50, Section 270, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.270: (A) A wine/beer/cordial/liqueur tasting license authorizes the offering of [free] samples of packaged wines, beers, cordials and liqueurs for tasting purposes[.] to promote the sale of such packaged alcoholic beverages. Such samples shall not be offered in conjunction with a meal at a restaurant.

(B) Samples of packaged wines, beers, cordials and liqueurs for tasting purposes shall not exceed one-half ounce per drink and may only be offered:

(1) On the premises of a licensed [packaged liquor] package alcoholic beverage, wholesale general, beer/wine/cooler off-sale, or beer/wine/cooler on-off-sale establishment; and

(2) For educational purposes.

(C) Persons offering samples of packaged wines, beers, cordials and liqueurs must be employees of the licensed [packaged liquor] package alcoholic beverage, wholesale general, beer/wine/cooler off-sale, or beer/wine/cooler on-off-sale establishment who hold a valid work card. [and have successfully completed an approved liquor server awareness training program.]

(D) Bottles of wine, beer, cordial and liqueur opened for tasting shall not be sold or otherwise distributed or given away.

SECTION 21: Title 6, Chapter 50, Section 310, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.310: A person licensed for the off-sale or on-off-sale of alcoholic beverages shall post a sign [at the sale counter and at the] no lower than three feet and no higher than seven feet at each sale

counter and at each entrance to the premises advising to the effect that, pursuant to LVMC 10.76.010, it is unlawful for a person to drink an alcoholic beverage or to possess an open container of alcoholic beverage which was purchased in an original sealed or corked container:

(A) Upon any premises, including the parking lot, of an establishment which is licensed only for the off-sale or the on-off-sale of alcoholic beverages; or

(B) Upon property, other than residential property, located within one thousand feet of an establishment which is licensed for off-sale or on-off-sale.

SECTION 22: Title 6, Chapter 50, Section 350, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.350: Applicants for a permit to provide [liquor catering services] alcoholic beverage catering services, including the pouring of beer by a keg beer licensee as authorized by LVMC 6.50.130, shall comply with the following provisions:

(A) An application for a permit may be made only by a person who holds a valid unexpired [liquor] alcoholic beverage caterer license or keg beer license issued pursuant to this Title.[; provided, however, this restriction does not apply to a person whose liquor caterer business premises are located in the City of North Las Vegas, City of Henderson, City of Boulder City or in the unincorporated area of the County and who has a valid unexpired liquor caterer license issued by such local government.]

(B) The application shall be made to the Department on forms provided or approved by the Department, not less than three days prior to the proposed event unless otherwise authorized by the Director or his or her designee upon the applicant showing the impracticability of his or her compliance with the advance filing requirement.

(C) The application shall set forth the following information:

(1) Name and address of the applicant;

(2) Date, hours, address and description of the event;

(3) Approximate number and ages of persons to be in attendance;

(4) Type of alcoholic beverages to be served; [and]

(5) The names of the sponsors and promoters of the event[.];

(6) The names and number of security personnel to be present at the event; and

(7) The names of the employees who will be working at the event including their work card numbers, health card numbers and their respective expiration dates.

(8) If requested by the Department, a copy of any written contract by which the licensee will provide catering services for the event.

(D) Each event requires a separate permit.

(E) [A nonrefundable fee of fifteen dollars for each permit requested must be paid when the application for permit is filed.]A nonrefundable fee of twenty-five dollars for each permit shall be paid at the time an application for permit is filed. If there is more than one bar in operation at an event a nonrefundable fee of twenty-five dollars per bar shall be paid for a permit. For an application that is filed later than the deadline specified in Subsection (B) and that is accepted by the Department, the licensee shall pay an additional fee of fifty dollars for each day past the deadline.

(F) A current employee list must be submitted at the beginning of each calendar quarter and such list is required to be updated in the event of changes in employment levels between the date of the quarterly submission and the date an application for a new permit is filed. The updated list is to be filed with the application for permit.

(G) The employee list referenced in Subsection (F) of this Section must be maintained on the site of the event for which the permit was issued and must be made available on site of the event to Metro and the Department upon their request.

(H) Sales of alcoholic beverages at an event are only permitted to be made by the permittee or his or her employees whose names appear on the employee list referenced in Subsections (F) and (G) of this Section.

(I) At the conclusion of an event, all alcoholic beverages must be removed from the event premises unless they are the business premises of an establishment with a valid alcoholic beverage license.

SECTION 23: Title 6, Chapter 50, Section 355, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.355: (A) An exhibitor at a permanent trade show shall not sell alcoholic beverages at his or her exhibit without first securing and maintaining an unexpired exhibitor alcoholic beverage permit issued by the Department under a permanent trade show facility alcoholic beverage license.

(B) Permits shall not be issued by the Department without the written consent of the permanent trade show facility alcoholic beverage licensee of the facility where the exhibit is located.

(C) Permit applications shall be made on forms provided or approved by the Department and filed with the Department by the permanent trade show facility alcoholic beverage licensee not later than thirty days prior to the proposed event unless otherwise authorized by the Director or his or her designee upon a showing of the impracticability of the licensee's compliance with the advance filing requirement.

(D) The permit application shall set forth the following information and documentation:

(1) Name and address of the applicant;

(2) Dates of the permanent trade show;

(3) Name and address of the permanent trade show facility where the permanent trade show will be held;

(4) Written confirmation by the permanent trade show facility alcoholic beverage licensee at the above-named permanent trade show facility that it consents to the applicant being granted a permit under its alcoholic beverage license; and

(5) Types of alcoholic beverages to be served.

(E) Each event requires a separate permit.

(F) A nonrefundable fee of twenty-five dollars for each permit requested must be paid when the application for a permit is filed.

(G) Permit applicants shall not be subject to the background and suitability approval requirements of LVMC Chapter 6.06 and the work card [and alcohol awareness training] requirements of this Chapter, but shall comply with all other provisions of this Chapter that are not inconsistent with the provisions of this Section.

(H) [Applicants] Exhibitors shall sell alcoholic beverages only at the locations within a permanent trade show facility and on the dates designated in their permits.

(I) The permanent trade show facility alcoholic beverage licensee shall be responsible to monitor all the exhibitors who are issued permits under its alcoholic beverage license pursuant to this Section to ensure compliance with this Chapter.

(J) Not later than three days prior to a permanent trade show the Department shall provide the facility licensee with the approved permits for distribution to the [applicants] exhibitors with the requirement that the [applicants] exhibitors post such permits at their respective exhibit sites and that the facility licensee maintain at the facility premises a master list of the approved permits.

SECTION 24: Ordinance No. 6047 and Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 360 reads as follows:

6.50.360: Each licensee shall pay to the Department, in advance, the semiannual license fees set forth in the following schedule, subject to the annual adjustment described in Subsection (B) of this Section:

License Category	Semiannual License Fee (Dollars)
Banquet [facility] or event establishment	500
Beer/wine/cooler art event on-sale	300
Beer/wine/cooler on-sale	300
Beer/wine/cooler off-sale	300
Beer/wine/cooler on-off sale	600
Brew/pub/tavern	1,200
Convention facility	1,200
General on-sale	1,200
General on-sale (beer and wine)	500
Gift basket limited	300
Gift shop limited	500
Grocery store or super center internet sale	500
Hotel lounge bar	1,200
Instructional wine making facility	600
Keg beer	[500] 200

[Liquor] Alcoholic beverage caterer	500
Nonprofit club general on-sale	200
Nonprofit club restaurant service bar	100
Package	750
Permanent trade show facility	2,400
Restaurant service bar	600
Supper club	800
Plus: fee for each additional bar	750
Tavern (one bar)	1,200
Plus: fee for each additional bar	900
Tavern-limited	800
Plus: fee for each additional bar	500
Urban lounge	1,000
Plus: fee for each additional bar	750
Wholesale general	1,000
Wine, beer, cordial, liqueur tasting	600

Each special event general licensee shall pay a license fee of one hundred dollars per day.

Each special event beer/wine licensee shall pay a license fee of seventy-five dollars per day.

SECTION 25: Ordinance No. 6047 and Title 6, Chapter 50, Section 380, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 380 reads as follows:

6.50.380: (A) The origination charge listed in this Section is a one time charge which is due and payable at the time of filing an application for an alcoholic beverage license. Origination charges are as follows:

License Category	Origination Charge (Dollars)
Banquet [facility] or event establishment	20,000
Beer/wine/cooler art event on-sale	1,000
Beer/wine/cooler on-sale	2,500
Beer/wine/cooler off-sale	2,500
Beer/wine/cooler on-off sale	5,000
Brew/pub/tavern	75,000
Convention facility	75,000

General on-sale	75,000
General on-sale (beer and wine)	20,000
Gift basket limited	1,000
Gift shop limited	4,000
Grocery store or super center internet sale	2,500
Hotel lounge bar	40,000
Instructional wine making facility	2,500
Keg beer	4,000
[Liquor] Alcoholic beverage caterer	4,000
Nonprofit club general on-sale	2,000
Nonprofit club restaurant service bar	1,000
Package	40,000
Permanent trade show facility	60,000
Restaurant service bar	30,000
Supper club	40,000
Tavern	75,000
Tavern-limited	20,000
Urban lounge	50,000
Wholesale general	10,000
Wine, beer, cordial, liqueur tasting	2,000

(B) The transfer of an alcoholic beverage license from one licensee to another is exempt from the origination charge set forth in this Section.

(C) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed into the City, the Department shall waive the origination charge at the request of the applicant. However, a license concerning which such a waiver has been granted may not be sold, transferred to a third party, or transferred to a new location, notwithstanding any provision of this Title to the contrary.

SECTION 26: Title 6, Chapter 50, Section 390, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.390: (A) Alcoholic beverage licensees shall immediately notify the Department of Planning and Development and the Department of Finance and Business Services in writing when they discontinue their alcoholic beverage business operations. For a temporary discontinuance, the notification shall include the reasons for the discontinuance. A temporary discontinuance shall not diminish or modify the application and effect of the provisions of Title 19 pertaining to the discontinuance of cessation of a use. Any licensee who desires permanently to discontinue [its operation of the] the alcoholic beverage operations of a business and to sell its license may notify the Department of its desire to sell such license, and the Department shall maintain a list of such [licensees] licenses and make it available to any person who is interested in obtaining a license. The Department is under no obligation to include the listing of a license for longer than three years, or to include or retain on the list any license that has been listed as an asset in bankruptcy proceedings.

(B) Persons acquiring a license from a licensee shall comply with all applicable requirements of this Title for the original issuance of the license being sold, assigned or transferred as well as all amendments thereafter to this Title pertaining to alcoholic beverage licenses.

SECTION 27: Title 6, Chapter 50, Section 410, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.410: It is the duty of the licensee and any principal thereof to:

(A) [ensure] Ensure that a person who is at least twenty-one years of age, who is either an owner or employee of the licensee and who has a valid work card and [alcohol awareness card] health card in his possession, is present on the premises during all times that the premises are open for business.

(B) Maintain and make available during normal working hours for inspection by Metro or the Department a list of all of licensee's current employees by name that are required to have one or more of the following cards and the corresponding card numbers:

(1) A work card.

(2) A health card.

(C) The list referenced in Subsection (B) of this Section shall also include, in addition to the names of current employees, all the names of other persons employed during the

previous three years.

SECTION 28: Title 6, Chapter 50, Section 420, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.420: The Department or Metro shall have jurisdiction to investigate and enforce the provisions of this Chapter. The Department or Metro shall have all powers which may be necessary or appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to, the power to enter and inspect the licensed premises at any time during the business hours of the licensee, and the Department or Metro shall have the power to examine all books and records of the licensee and any principal thereof. The Department or Metro is authorized to request information from a licensee, any principal thereof, or a license applicant at any time in furtherance of the exercise of its jurisdiction.

SECTION 29: Title 6, Chapter 50, Section 430, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed.

SECTION 30: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 430, reading as follows:

6.50.430: (A) Notwithstanding any other provision of this Chapter, but subject to Subsection (D) of this Section, the following types of establishments may permit a customer to bring a bottle of wine into the establishment for purposes of having the establishment pour and serve the wine in connection with a meal served to the customer:

(1) Beer/wine/cooler on-sale;

(2) Beer/wine/cooler on-off-sale;

(3) Restaurant service bar; and

(4) Supper club.

(B) An establishment that provides the service referred to in Subsection (A) may charge a fee for the service (a "corking fee").

(C) The licensee of an establishment that provides the service referred to in Subsection (A) is responsible for ensuring that:

(1) The contents of the bottle of wine brought into the establishment are fully consumed on the premises;

(2) The bottle of wine remains on the premises and is disposed of by the establishment; or

(3) If the contents of the bottle of wine are not fully consumed and the bottle is to be returned to the customer, the bottle is properly re-corked before it is returned to the customer to be to taken off the premises.

(D) This Section is a reflection of the City's authority to regulate businesses serving alcoholic beverages and sets forth the parameters of regulation insofar as the City is concerned. Nothing in this Section is intended to diminish or otherwise affect the application of State laws or regulations governing the subject.

SECTION 31: Title 6, Chapter 50, Section 440, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.440: It is unlawful for any of the following persons to be employed, or to engage or participate, in the retail sales of alcoholic beverages for on or off premises consumption without having in his or her possession a valid work card for alcoholic beverages issued pursuant to LVMC Chapter 6.86:

(A) [A manager;] Any person employed in the management of a licensed business establishment who has not been investigated and approved as a principal or key employee;

(B) Any [employee who pours or serves alcoholic beverages for on premises consumption; or] person who pours, serves, or monitors the sale or service of, alcoholic beverages for on-premises consumption, except a person whose primary function is to:

(1) Take orders for food in the dining area of a restaurant that is operated in conjunction with a licensed supper club, restaurant service bar, or beer/wine/cooler on-sale license; and

(2) Serve alcoholic beverages in connection with such orders;

(C) Any [employee] person who accepts payment for, or monitors, the sale or delivery of alcoholic beverages for off premises consumption[.]; or

(D) Any person who performs the role of security, including the maintaining of order within the business, the verification of identification, and the enforcement of other policies established and maintained by the licensee.

SECTION 32: Title 6, Chapter 50, Section 450, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.450: It is unlawful for any person to sell any alcoholic beverage:

(A) Without a valid unexpired license issued pursuant to this Chapter; provided, however, that this prohibition does not apply to employees of persons licensed pursuant to this Chapter during the course of such employment;

(B) To a person who is intoxicated;

(C) For delivery to a personal residence pursuant to a [telephone call requesting] request for such delivery; provided, however, that this prohibition does not apply to deliveries of beer in kegs having a capacity of not less than one quarter barrel[;] or to gift basket deliveries authorized by LVMC 6.50.100;

(D) Through or by means of a drive-in or walk-up window, door or other opening;

(E) In any manner not authorized by the license under which authority the person making such sale is authorized to do business; and

(F) At any place where persons under twenty-one years of age are present, unless they are continuously accompanied by a parent or legal guardian.

SECTION 33: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 455, reading as follows:

6.50.455: (A) Except as otherwise provided in Subsection (B), it is unlawful for any person to store alcoholic beverages on the premises of any commercial establishment subject to this Chapter unless the licensee of the establishment has obtained and maintains valid alcoholic beverage-related licenses that pertain to and authorize such storage.

(B) The prohibition contained in Subsection (A) does not apply to the storage of alcoholic beverages in preparation for an occasional company party, but only if:

(1) The party is limited to employees and their guests; and

(2) The alcoholic beverages are removed from the premises before the next regularly scheduled business day.

SECTION 34: Title 6, Chapter 50, Section 480, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.480: It is unlawful for any person who is intoxicated and who is subject to the provisions of this Chapter to sell or serve any alcoholic beverage.

SECTION 35: Title 6, Chapter 50, Section 490, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.490: It is unlawful for any person to employ a person under the age of twenty-one years to sell or handle alcoholic beverages, or to allow a person under the age of twenty-one years to sell or handle for the purpose of transacting a sale of alcoholic beverages at such person's place of business; provided, however, that a person who is at least sixteen years of age may handle beer, wine and coolers only, in original sealed or corked containers, while they are employed in [a grocery store, convenience store or specialty merchandise store which exercises the privileges of a beer/wine/cooler off-sale or package license] an on-sale, off-sale or on-off-sale licensed establishment and only when they are actually being supervised by another person who is at least twenty-one years of age and who himself is an owner or employee of the licensee.

SECTION 36: Title 6, Chapter 50, Section 510, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.510: (A) It is unlawful for any person, while acting as an employee, security guard, waiter, waitress, or a performer or entertainer in any live act, play, demonstration or exhibition, or for any such person, while serving food or drink to any customer, to do any of the following acts on the premises where alcoholic beverages are licensed to be sold:

(1) Expose his or her genitals, pubic hair, perineum, anal region or pubic hair region; or

(2) Expose or use any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, perineum, anal region or pubic hair region.

(B) A person shall be deemed to be a security guard, waiter, waitress, performer or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation.

(C) It is unlawful for any licensee, or any owner, officer, director, representative, manager, agent, servant or employee of a licensee to allow, cause, permit, procure, counsel or assist any person to perform any of the acts set forth in Subsection (A) of this Section on the premises where alcoholic beverages are licensed to be sold.

SECTION 37: Title 6, Chapter 50, Sections 520 through 640, inclusive, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed.

SECTION 38: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 520, reading as follows:

6.50.520: (A) Subject to the provisions of Subsection (C) of this Section, no entertainment, as defined in Subsection (B), may be offered in any establishment in the following licensing categories unless that form of entertainment has been approved in advance by the approval authority:

(1) Banquet or event establishment;

(2) Beer/wine/cooler on-sale;

(3) Nonprofit club general;

(4) Restaurant service bar;

(5) Supper club; or

(6) Tavern.

(B) For purposes of this Section:

(1) "Approval authority" means the City Council, if the approval is sought in connection with initial licensing approval by the City Council, and the Director otherwise.

(2) "Entertainment" means one or more of the following:

(a) Live music (with or without dancing);

(b) Live disk jockey (with dancing);

(c) Live comedic performers; or

(d) Karaoke entertainment.

(C) This Section applies only to establishments licensed after the effective date of the Ordinance codified in this Section.

SECTION 39: Title 6, Chapter 2, Section 125, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.125: It is unlawful for any person to sell food products without first securing and maintaining in active status all health permits and health cards required by the Health District.

SECTION 40: Title 6, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 145, reading as follows:

6.02.145: (A) Except as otherwise provided in Subsection (B), it is unlawful for any person to store alcoholic beverages on the premises of any commercial establishment unless the licensee of the establishment has obtained and maintains valid alcoholic beverage-related licenses under Chapter 6.50 that pertain to and authorize such storage.

(B) The prohibition contained in Subsection (A) does not apply to the storage of alcoholic beverages in preparation for an occasional company party, but only if:

(1) The party is limited to employees and their guests; and

(2) The alcoholic beverages are removed from the premises before the next regularly scheduled business day.

SECTION 41: 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 42: 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 43: 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 _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 10-22-09
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2009, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2009, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk