

1 **BILL NO. 2010-36**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE RELATING TO THE PROHIBITION OF ALCOHOLIC BEVERAGES IN CITY
4 PARKS EXCEPT PURSUANT TO A PERMIT OR OTHER WRITTEN AUTHORIZATION;
5 REPEALING THE PROSPECTIVE EXPIRATION OF THAT PROHIBITION; AND PROVIDING
6 FOR OTHER RELATED MATTERS.

6 Sponsored by:
7 Councilman Gary Reese
8 Councilwoman Lois Tarkanian

Summary: Repeals the sunset provision
regarding the prohibition of alcoholic beverages
in City parks except pursuant to a permit or
other written authorization.

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

11 WHEREAS, on June 17, 2009, the City Council adopted Ordinance No. 6043, which,
12 among other things, prohibits alcoholic beverages in City parks except pursuant to a permit or other
13 written authorization; and

14 WHEREAS, the prohibition of alcoholic beverages in City parks except pursuant to
15 a permit or other written authorization (the "general prohibition") is found in Section 1 of Ordinance
16 No. 6043; and

17 WHEREAS, Section 4 of Ordinance No. 6043 provides for a prospective expiration
18 (or sunset provision) regarding the general prohibition, as follows:

19 **SECTION 4: Section 1 of this Ordinance shall expire by limitation on October 1, 2010,**
20 **unless otherwise extended.**

21 and

22 WHEREAS, based upon the City's experience in implementing Ordinance No. 6043,
23 the City Council desires to remove the prospective expiration (sunset provision), thereby leaving the
24 general prohibition in effect until further Council action, if any, is taken.

25 NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF
26 THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

27 SECTION 1: Section 4 of Ordinance No. 6043 is hereby repealed.

28 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or

1 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
2 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
3 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
4 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
5 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
6 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
7 invalid or ineffective.

8 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

12 APPROVED:

13
14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 BEVERLY K. BRIDGES, MMC
18 City Clerk

19 APPROVED AS TO FORM:

20 Val Heed 7-4-10
21 Date
22
23
24
25
26
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2010, and referred to the following committee composed of
3 ____ and ____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 ____, 2010, which was a ____ meeting of said Council; that at said
6 ____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY K. BRIDGES, MMC
City Clerk

18

19

20

21

22

23

24

25

26

27

28