

1 **BILL NO. 2011-6**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO PROVIDE THAT THE CITY'S REGULATIONS PERTAINING TO
4 ALCOHOLIC BEVERAGES DO NOT PROHIBIT A MINOR FROM ENTERING OR REMAINING
5 IN A LIQUOR STORE WITH A PACKAGE LICENSE AS LONG AS THE MINOR IS
CONTINUOUSLY ACCOMPANIED BY THE MINOR'S PARENT OR LEGAL GUARDIAN, AND
TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Steve Wolfson

Summary: Provides that the City's regulations
pertaining to alcoholic beverages do not prohibit
a minor from entering or remaining in a liquor
store with a package license as long as the minor
is continuously accompanied by the minor's
parent or legal guardian.

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

12 SECTION 1: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.50.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be
15 liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following
16 words shall have the meaning ascribed to them as follows:

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

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

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

27 "Banquet or event establishment" means any establishment which is rented by individuals or
28 groups to accommodate private or public events. Such establishment may or may not include:

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

2 (2) Outdoor gardens or reception facilities.

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

5 “Commercial center” means a concentration of retail stores that:

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

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

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

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

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

14 “Convenience store” means a retail establishment other than a drugstore, which:

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

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

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

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

28 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate

1 obtained from the fermentation of the natural contents of fruits or other agricultural products
2 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

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

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

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

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

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

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

26 “Grocery store” means a business establishment which occupies all of the business premises
27 of a building or a portion of the business premises of a building which is segregated physically or
28 spatially from the rest of the business premises, and which contains more than five thousand square

1 feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of
2 warehouse and office space. The term does not include an establishment in which more than thirty
3 percent of the physical retail inventory on the establishment premises consists of alcoholic beverages.

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

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

8 "Liquor store" means a specialty retail store which does not allow entry to minors (except as
9 provided for in LVMC 6.50.170) and which deals exclusively in alcoholic beverages and related items
10 including magazines, newspapers and packaged snack foods.

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

13 "Meal" means an assortment of food listed on a menu which must include entrees, appetizers,
14 side items and desserts available for purchase at various hours of the day.

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

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

- 21 (1) Is organized or qualified to do business and operate under the laws of the State;
- 22 (2) Has tax-exempt status granted by the United States Internal Revenue Service;
- 23 (3) Maintains a membership of at least one hundred active members who are
24 residents of Southern Nevada, who are twenty-one years of age or older and who pay dues to the
25 nonprofit corporation, association, or organization;
- 26 (4) Operates a clubhouse, clubroom or meeting room in a permanent location which
27 it owns or leases; and
- 28 (5) Maintains a sign-in log that each member and the member's guests must sign

1 upon entering the club house, clubroom or meeting room operated by the club.

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

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

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

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

15 "Restaurant" means a place which is regularly and in a bona fide manner used and kept open
16 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
17 therewith, containing conveniences for cooking an assortment of foods which may be required for
18 ordinary meals.

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

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

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

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

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

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

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

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

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

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

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

17 SECTION 2: Title 6, Chapter 50, Section 170, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.50.170:** (A) A package license authorizes the sale, to consumers only and not for resale, of
20 alcoholic beverages, in original sealed or corked containers, for consumption off the premises where
21 the same are sold. [; however, on-premises wine, beer, cordial and liqueur tasting is permitted at a
22 liquor store] In addition, a liquor store that holds a package license may provide on-premises wine,
23 beer, cordial and liqueur tasting, but only if the licensee also holds a wine, beer, cordial and liqueur
24 tasting license for that location.

25 (B) Nothing in this Chapter prohibits a minor from entering or remaining in a liquor
26 store that holds a package license as long as the minor is continuously accompanied by the minor's
27 parent or legal guardian.

28 SECTION 3: 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 4: 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 _____, 2011.

12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

18 APPROVED AS TO FORM:

19 Val Steed 1-19-11
20 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, 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 _____, 2011, 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:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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