

BILL NO. 2010-15

ORDINANCE NO. _____

AN ORDINANCE TO REDUCE THE MINIMUM AMOUNT OF MEAL-SERVICE SEATING THAT MUST BE PROVIDED BY ESTABLISHMENTS WITH BEER/WINE/COOLER ON-SALE AND BEER/WINE/COOLER ON-OFF-SALE LICENSES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Reduces the minimum amount of meal-service seating that must be provided by establishments with beer/wine/cooler on-sale and beer/wine/cooler on-off-sale licenses.

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

SECTION 1: 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 may be issued only in connection with a restaurant, 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] thirty persons.

SECTION 2: 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:

(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] thirty persons.

SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the description of the use “Beer/Wine/Cooler On-and Off-Sale Establishment,” as found in the “Retail and Personal Services” element of Table 2, to read as follows:

Description:

An establishment:

1. Whose license to sell alcoholic beverages is limited to:

a. The sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold; and

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

2. Is operated in connection with a restaurant, grocery store or convenience store in which [45] 30 or more people may be served with meals at any one time at tables or stools.

SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the description of the use “Beer/Wine/Cooler On-Sale Establishment,” as found in the “Retail and Personal Services” element of Table 2, to read as follows:

Description:

An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which [45] 30 or more people may be served with meals at any one time at tables or stools.

SECTION 5: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the use “Beer/Wine/Cooler On- and Off-Sale Establishment” to read as follows:

“Beer/Wine/Cooler On- and Off-Sale Establishment” means an establishment:

(1) Whose license to sell alcoholic beverages is limited to:

1 (a) The sale of beer, wine and coolers for consumption only in connection with a
2 meal on the premises where the same is sold; and

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

5 (2) Is operated in connection with a restaurant, grocery store or convenience store in which
6 [forty-five] thirty or more people may be served with meals at any one time at tables or stools.

7 SECTION 6: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the use
9 "Beer/Wine/Cooler On-Sale Establishment" to read as follows:

10 "Beer/Wine/Cooler On-Sale Establishment" means an establishment whose license to sell alcoholic
11 beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a
12 meal on the premises where the same is sold, and is operated in connection with a restaurant in which
13 [forty-five] thirty or more people may be served with meals at any one time at tables or stools.

14 SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
15 and 19.20.020 are deemed to be subchapters rather than sections.

16 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

24 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared
25 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
26 required or the failure to do any act is made or declared to be unlawful or an offense or a
27 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
28 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than

1 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
2 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

3 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

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

7 APPROVED:

8
9 By _____
OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BEVERLY K. BRIDGES, MMC
City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 3-26-10
Date

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: _____

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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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