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PROPOSED FIRST AMENDMENT

BILL NO. 2013-14

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S LICENSING REGULATIONS BY CREATING TWO NEW ALCOHOLIC BEVERAGE LICENSE CATEGORIES (BEER AND WINE ROOM AND ANCILLARY BREW PUB) AND PROHIBITING RESTRICTED GAMING AT AN ESTABLISHMENT WHERE A BEER AND WINE ROOM ALCOHOLIC BEVERAGE LICENSE IS HELD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Beers

Summary: Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Title 6, Chapter 50, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: 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 80, reading as follows:

6.50.080: A beer and wine room alcoholic beverage license authorizes the sale of beer and wine only for consumption on the premises where the same are sold.

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 85, reading as follows:

6.50.085: (A) An ancillary brew pub alcoholic beverage license authorizes the manufacture and sale of malt beverages at an establishment provided that the owner or operator of such establishment maintains in a primary capacity, at the same location, one of the following licenses:

- (1) A tavern alcoholic beverage license pursuant to LVMC 6.50.240;
- (2) A tavern-limited alcoholic beverage license pursuant to LVMC 6.50.250; or

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1 (3) A beer/wine room alcoholic beverage license pursuant to LVMC
2 6.50.080.

3 (B) An ancillary brew pub alcoholic beverage license shall only be issued subject
4 to the following conditions:

5 (1) That the manufacture and sale of the malt beverages produced at the
6 location shall comply with all relevant State and Federal laws regarding the manufacture and sale of
7 malt beverages;

8 (2) The manufacture and sale of malt beverages may only occur as an
9 ancillary activity to the activities permitted by the primary license; and

10 (3) Prior to issuance of an ancillary brew pub license by the City, the
11 applicant shall present proof of State licensure of the establishment as a brew pub.

12 (C) Notwithstanding any provision of this Chapter that might otherwise prohibit
13 or limit the activity, the holder of an ancillary brew pub alcoholic beverage license may dispense beer
14 or cider in a container sold or provided by the licensee, or a sanitary container provided by the
15 customer, with a maximum capacity which does not exceed one gallon subject to the following
16 conditions:

17 (1) The licensee or the licensee's employee fills the container at the time
18 the beer or cider is sold;

19 (2) The container is thereafter sealed with a plastic adhesive or
20 tamper-evident seal; and

21 (3) The beer or cider is not consumed on the licensee's premises.

22 (D) Any brew pub/tavern license in existence prior to the adoption of the ordinance
23 codified in this Section may continue to operate as currently licensed unless the operation of the
24 establishment is discontinued for a period of greater than twelve consecutive months. Upon the
25 expiration of a period of discontinuance for greater than twelve months, the establishment must obtain
26 and maintain alcoholic beverage licenses pursuant to the applicable regulations then in effect.

27 SECTION 4: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.50.360:** Each licensee shall pay to the Department in advance, the semiannual license fees set
 2 forth in the following schedule:

3 License Category	Semiannual License Fee (Dollars)
4 Alcoholic beverage caterer	\$500.00
5 Ancillary lounge bar	1,200.00
6 <u>Ancillary brew pub</u>	<u>500.00 or 1% of sales to licensed wholesale dealers, whichever is greater</u>
7 Banquet or event establishment	500.00
8 Beer/wine/cooler cultural event on-sale	150.00
9 Beer/wine/cooler on-sale	300.00
10 Beer/wine/cooler off-sale	300.00
11 Beer/wine/cooler on-off sale	600.00
12 [Brew/pub/tavern]	[1,200.00]
13 <u>Beer and wine room</u>	<u>700.00</u>
14 <u>Plus: fee for each additional bar</u>	<u>400.00</u>
15 Convention facility	1,200.00
16 General on-sale	1,200.00
17 General on-sale (beer and wine)	500.00
18 Gift basket limited	300.00
19 Gift shop limited	500.00
20 Grocery store or mega store internet sale	500.00
21 Instructional wine making facility	600.00
22 Keg beer	200.00
23 Liquor manufacturer	1,000.00
24 Nonprofit club general on-sale	200.00
25 Nonprofit club restaurant service bar	100.00
26 Package	750.00
27 Permanent trade show facility	2,400.00
28 Restaurant service bar	600.00
29 Supper club	800.00
30 <u>Plus: fee for each additional bar</u>	<u>750.00</u>

1	Tavern (one bar)	1,200.00
2	Plus: fee for each additional bar	900.00
3	Tavern-limited	800.00
4	Plus: fee for each additional bar	500.00
5	Urban lounge	1,000.00
6	Plus: fee for each additional bar	750.00
7	Wholesale general	1,000.00
8	Wine, beer, cordial, liqueur tasting	600.00

9 Each time-limited special event general licensee shall pay the following license fee for each day (or
10 for each event, in the case of a multi-day event): One hundred dollars, plus seventy-five dollars for
11 each additional bar.

12 Each time-limited special event beer/wine/cooler licensee shall pay the following license fee for each
13 day (or for each event, in the case of a multi-day event): Fifty dollars, plus twenty-five dollars for each
14 additional bar.

15 SECTION 5: Title 6, Chapter 50, Section 380, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.50.380:** (A) The origination charge listed in this Section is a one time charge which is due
18 and payable at the time of filing an application for an alcoholic beverage license. Origination charges
19 are as follows:

20	License Category	Origination Charge (Dollars)
21	Alcoholic beverage caterer	\$4,000.00
22	Ancillary lounge bar	40,000.00
23	Banquet or event establishment	20,000.00
24	Beer/wine/cooler cultural event on-sale	500.00
25	Beer/wine/cooler on-sale	2,500.00
26	Beer/wine/cooler off-sale	2,500.00
27	Beer/wine/cooler on-off sale	5,000.00
28	[Brew/pub/tavern]	[75,000.00]

1	<u>Beer and wine room</u>	<u>7,500.00</u>
2	Convention facility	75,000.00
3	General on-sale	75,000.00
4	General on-sale (beer and wine)	20,000.00
5	Gift basket limited	1,000.00
6	Gift shop limited	4,000.00
7	Grocery store or mega store internet sale	2,500.00
8	Instructional wine making facility	2,500.00
9	Keg beer	4,000.00
10	Liquor manufacturer	10,000.00
11	Nonprofit club general on-sale	2,000.00
12	Nonprofit club restaurant service bar	1,000.00
13	Package	40,000.00
14	Permanent trade show facility	60,000.00
15	Restaurant service bar	30,000.00
16	Supper club	40,000.00
17	Tavern	75,000.00
18	Tavern-limited	20,000.00
19	Urban lounge	50,000.00
20	Wholesale general	10,000.00
21	Wine, beer, cordial, liqueur tasting	2,000.00

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

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

1 SECTION 6: Ordinance No. 6232 and Title 6, Chapter 40, Section 155, of the
2 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section
3 6.40.155 reads as follows:

4 **6.40.155:** (A) The City Council may deny any application for a gaming license if it deems the
5 place or location for which the license is sought to be unsuitable for the conduct of gaming.

6 (B) No restricted gaming shall be conducted, maintained or operated in the
7 following places or locations:

8 (1) Laundromats;

9 (2) Bakeries, donut shops and any other retail location, except as otherwise
10 provided in LVMC 6.40.140 and 6.40.150;

11 (3) Movie theaters and professional offices;

12 (4) Fast food establishments;

13 (5) Hotels with a lounge bar license;

14 (6) Locations within the Downtown Entertainment Overlay District, as
15 described in LVMC 19.10.120; [and]

16 (7) Establishments at which a person holds a tavern-limited license~~].~~; and

17 (8) Beer and wine rooms.

18 (C) Locations listed in Subsection (B) that are licensed for gaming as of the date
19 this section (or any amendment thereto) was adopted may be allowed to continue their licenses so long
20 as the nature and character of the business at the location does not materially change.

21 SECTION 7: For purposes of administering LVMC 6.50.085(D), the provisions
22 regarding brew pub tavern licenses that are to be repealed by this Ordinance prospectively but that will
23 continue to apply to existing brew pub/tavern licenses are set forth in Exhibit A attached to this
24 Ordinance.

25 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
26 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
27 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
28 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the

1 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
2 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
3 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
4 invalid or ineffective.

5 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared
6 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
7 required or the failure to do any act is made or declared to be unlawful or an offense or a
8 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
9 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
10 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
11 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

12 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

16 APPROVED:
17
18 By _____
CAROLYN G. GOODMAN, Mayor

19 ATTEST:
20 _____
21 BEVERLY K. BRIDGES, MMC
City Clerk

22 APPROVED AS TO FORM:
23 _____
24 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2013, and referred to a committee for recommendation, the
3 committee being composed of the following members _____
4 _____; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2013, which was a _____ meeting of said
6 Council; that at said _____ meeting, the proposed ordinance was read by title
7 to the City Council as amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

APPROVED:

12

By _____
CAROLYN G. GOODMAN, Mayor

13

14

ATTEST:

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16 _____
BEVERLY K. BRIDGES, MMC
City Clerk

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EXHIBIT "A"

1. A brew pub/tavern license authorizes a licensee to:
 - Manufacture and store malt beverages on the premises of the brew pub/tavern and sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to NRS Chapter 369;
 - Sell at retail malt beverages manufactured on or off the premises of the brew pub/tavern for consumption on the premises; and
 - Sell at retail in packages sealed on the premises of the brew pub/tavern, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.
2. The premises of any brew pub/tavern operated pursuant to these provisions must be conspicuously identified as a "brew pub."
3. A brew pub/tavern licensee licensed pursuant to these provisions who operates one or more brew pubs may not manufacture more than fifteen thousand barrels of malt beverages for all the brew pubs he operates in the County in any calendar year.
4. Unless contrary or inconsistent with these provisions, the provisions of LVMC Chapter 6.50 and of LVMC Title 19 that pertain to tavern licenses shall apply to brew pub/tavern licenses.
5. A brew pub/tavern license authorizes the sale of alcoholic beverages other than malt beverages subject to the limitations and restrictions of a tavern license.
6. The semiannual license fee for a brew pub/tavern is \$1,200.

Submitted At Meeting

Date 4/16/13 Item 3