

1 **BILL NO. 2013-26**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO PROVIDE EXPRESS AUTHORITY FOR TAVERNS LOCATED ALONG
4 A PEDESTRIAN MALL TO SELL ALCOHOLIC BEVERAGES THROUGH A WALK-UP
5 WINDOW UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED
6 MATTERS.

6 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Provides express authority for
7 taverns located along a pedestrian mall to sell
8 alcoholic beverages through a walk-up window
under certain circumstances.

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

11 SECTION 1: Title 6, Chapter 50, Section 450, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.50.450:** It is unlawful for any person to sell any alcoholic beverage:

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

17 (B) To a person who is intoxicated;

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

21 (D) Except as otherwise specifically provided at LVMC 6.50.285. [Through]
22 through or by means of a drive-in or walk-up window, door or other opening;

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

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

27 SECTION 2: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
28 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 285,

1 reading as follows:

2 **6.50.285:** Notwithstanding any provision in this Chapter to the contrary, the owner of an
3 establishment adjacent to or within the pedestrian mall that holds a tavern license is authorized to sell
4 alcoholic beverages through a walk-up window that faces a street alignment within the boundaries of
5 the pedestrian mall, except for the Casino Center Boulevard and 4th Street alignments. Prior to the
6 placement or construction of such window, a licensee shall comply with all requirements of the
7 Director, the Building Official and the Director of Public Works. Such window shall be considered
8 another bar at the establishment for purposes of this Chapter.

9 SECTION 3: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.50.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be
12 liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following
13 words shall have the meaning ascribed to them as follows:

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

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

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

24 “Banquet or event establishment” means any establishment which is rented by individuals or
25 groups to accommodate private or public events. Such establishment may or may not include:

- 26 (1) Kitchen facilities for the preparation or catering of food;
27 (2) Outdoor gardens or reception facilities.

28 “Beer” means any alcoholic beverage obtained by the fermentation of any infusion or

1 decoction of barley, malt, hops or similar product, or any combination thereof, in water.

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

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

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

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

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

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

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

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

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

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

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

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

28 “Downtown Centennial Plan overlay district” has the meaning and boundaries as described

1 at LVMC 19.10.110.

2 “Downtown entertainment overlay district” has the meaning and boundaries as described at
3 LVMC 19.10.120.

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

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

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

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

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

24 “Grocery store” means a business establishment which occupies all of the business premises
25 of a building or a portion of the business premises of a building which is segregated physically or
26 spatially from the rest of the business premises, and which contains more than five thousand square
27 feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of
28 warehouse and office space. The term does not include an establishment in which more than thirty

1 percent of the physical retail inventory on the establishment premises consists of alcoholic beverages.

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

4 “Key employee” means an employee designated by a business licensee to oversee the
5 operations of the business in the absence of the licensee.

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

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

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

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

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

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

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

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

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

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

28 “Off-sale” means the sale of alcoholic beverages in original sealed or corked containers for

1 consumption off the premises where the same are sold.

2 “On-sale” means the sale of alcoholic beverages for consumption on the premises where the
3 same are sold.

4 “Pedestrian mall” means an area designated in LVMC Chapter 11.68.

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

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

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

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

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

26 “Specialty merchandise store” means a retail store located within a commercial center that:

- 27 (1) Has at least eighteen thousand square feet of gross floor area;
28 (2) Has at least eleven thousand five hundred square feet of floor space dedicated

1 to the sale and display of furniture, glassware, kitchenware and other household goods;

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

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

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

9 "Themed establishment" means an establishment that is designed and operated so as to evoke
10 a particular culture, ethnicity, historical or fictional period, that represents such unique theme through
11 one or more of the following attributes: entertainment, activity, music, ambiance, décor, signage,
12 cuisine, drink offerings or the costuming of staff.

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

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

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

20 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
21 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
22 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
27 invalid or ineffective.

28 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared

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

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

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

11 APPROVED:
12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:
15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

17 APPROVED AS TO FORM:
18 Val Steel 5-23-13
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 first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk