

1 **BILL NO. 2013-34**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S REGULATIONS REGARDING TAVERN-LIMITED
4 LICENSURE TO PROVIDE FOR AN OUTDOOR ENTERTAINMENT COMPLEX, TO PERMIT
5 THE CONSIDERATION OF A TEMPORARY PRIVILEGED LICENSE TO BE FORWARDED TO
THE CITY COUNCIL AT THE DISCRETION OF THE PLANNING DIRECTOR, AND TO
PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Bob Coffin

Summary: Updates the City's regulations regarding tavern-limited licensure to provide for an outdoor entertainment complex, and permits the consideration of a temporary privileged license to be forwarded to the City Council at the discretion of the Planning Director.

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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 6, Section 51, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.06.051:** (A) At the request of an applicant, the Director may grant a temporary license,
15 effective for a period not to exceed ninety days, pending final action regarding a license application
16 in order for the license approval authority to determine:

17 (1) The applicant's fitness for a license; and

18 (2) The appropriateness of the applicant's business location.

19 As an alternative to issuance of a temporary license administratively, the Director has the discretion
20 to forward such application to the City Council for consideration of a temporary license at the next
21 City Council meeting that is available pursuant to the open meeting law notice requirements of NRS
22 Chapter 241.

23 (B) A temporary license shall not be granted under this Section unless:

24 (1) All principals required to be approved for suitability have submitted a
25 complete investigation packet for determination of suitability and paid all applicable fees;

26 (2) The Director, or the City Council, if considering the temporary license
27 application, makes a preliminary finding that all of the principals of the business are suitable; and

28 (3) The applicant has submitted a completed and accurate license

1 application and has paid a non-refundable temporary license processing fee, in addition to all other
2 required application fees. The amount of the temporary license processing fee shall be:

3 (a) Two hundred fifty dollars, for licenses issued under the
4 provisions of Chapters 6.47, 6.55 and 6.69; and

5 (b) Five hundred dollars, for all other categories.

6 SECTION 2: Title 6, Chapter 6, Section 54, of the Municipal Code of the City of Las
7 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.06.054:** (A) The Director shall summarily suspend an applicant's temporary license if any
9 of the reasons stated at LVMC 6.02.330 through 6.02.350 as good cause for disciplining a licensee
10 apply to an applicant or any of its principals.

11 (B) The Director may summarily suspend an applicant's temporary license if the
12 applicant or any of its principals is in violation of any condition of approval pursuant to the temporary
13 license, requirement of this Code, or other local, State or Federal laws or regulations not covered by
14 the provisions of LVMC 6.02.330 through 6.02.350.

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

17 **6.50.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be
18 liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following
19 words shall have the meaning ascribed to them as follows:

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

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

28 "Art gallery or art studio" means a business establishment where the general public is invited

1 to view artistic exhibitions, presentations and performances.

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

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

5 (2) Outdoor gardens or reception facilities.

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

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

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

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

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

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

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

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

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

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

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

26 “Convention facility” means a structure which has at least 100,000 square feet of floor space
27 utilized for scheduling, hosting or accommodating a convention, trade show or temporary event,
28 whether the activity is open or closed to the general public. For purposes of this Chapter, the term

1 includes a stadium facility that is operated in conjunction with a convention facility, but does not
2 include a permanent trade show facility.

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

6 “Downtown Centennial Plan overlay district” has the meaning and boundaries as described
7 at LVMC 19.10.110.

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

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

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

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

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

28 “Groceries” means staple food stuffs, dairy products, meats and produce meant for human

1 consumption; articles used in the preparation of food; and household supplies.

2 “Grocery store” means a business establishment which occupies all of the business premises
3 of a building or a portion of the business premises of a building which is segregated physically or
4 spatially from the rest of the business premises, and which contains more than five thousand square
5 feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of
6 warehouse and office space. The term does not include an establishment in which more than thirty
7 percent of the physical retail inventory on the establishment premises consists of alcoholic beverages.

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

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

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

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

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

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

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

- 25 (1) Is organized or qualified to do business and operate under the laws of the State;
26 (2) Has tax-exempt status granted by the United States Internal Revenue Service;
27 (3) Maintains a membership of at least one hundred active members who are
28 residents of Southern Nevada, who are twenty-one years of age or older and who pay dues to the

1 nonprofit corporation, association, or organization;

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

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

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

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

10 "Outdoor entertainment complex" means an outdoor environment mixing retail uses, restaurant
11 uses, entertainment and recreational uses located upon one parcel of land that:

12 (1) Is greater than one gross acre in size;

13 (2) Is located wholly within the boundaries of the downtown entertainment overlay
14 district;

15 (3) Provides for a minimum of ten thousand square feet of retail space within
16 permanent or semi-permanent structures;

17 (4) Contains at least one restaurant;

18 (5) Provides on the parcel at least fifty permanent seats where meals may be
19 consumed; and

20 (6) Provides event or exhibition space (or both) of at least five hundred square feet.

21 For purposes of this definition, a "semi-permanent structure" means a structure or container that is not
22 permanently affixed to the ground but is not readily moveable. "Semi-permanent structure"
23 explicitly includes an intermodal cargo transport container, commonly referred to as a "cargo
24 container" or "shipping container," but does not include a recreational vehicle, mobile kitchen,
25 catering truck or mobile home.

26 "Permanent trade show" means an event held at a permanent trade show facility where
27 products, goods or wares are displayed for the purpose of exhibitors demonstrating and soliciting
28 orders for the wholesale of or offering for wholesale of such products, goods or wares exclusively to

1 members of a specific industry or industries.

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

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

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

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

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

- 20 (1) Has at least eighteen thousand square feet of gross floor area;
21 (2) Has at least eleven thousand five hundred square feet of floor space dedicated
22 to the sale and display of furniture, glassware, kitchenware and other household goods;
23 (3) Has at least three thousand six hundred square feet of floor space dedicated to
24 the sale and display of gourmet foods and nonalcoholic beverages; and
25 (4) Maintains an inventory of beer, wine and coolers with a wholesale value of at
26 least twenty-five thousand dollars.

27 “Supper club” means a restaurant and bar operation with alcoholic beverage sales wherein the
28 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area

1 by minors and the restaurant operation is the principal portion of the business.

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

6 “Wedding chapel” means a business establishment that is licensed to perform marriages in
7 accordance with State law.

8 “Wholesale dealer” or “wholesaler” means a person who sells alcoholic beverages for the
9 purposes of resale.

10 “Wine” means any alcoholic beverage, other than beer, obtained by the fermentation of the
11 natural contents of fruits or other agricultural products containing natural or added sugar, which
12 contains not more than twenty-two percent of alcohol by volume.

13 SECTION 4: Title 6, Chapter 50, Section 250, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.50.250:** (A) A tavern-limited license:

16 (1) Authorizes the sale of alcoholic beverages only for consumption on the
17 premises where the same are sold[.]; except as otherwise provided in Subsection (C) of this Section..

18 (2) May only be issued for premises located entirely within the Downtown
19 Centennial Plan overlay district[.] or, in the case of a tavern-limited license issued under Subsection
20 (C) of this Section, may only be issued if an outdoor entertainment district is entirely within the
21 downtown entertainment overlay district.

22 (3) Is not transferable, except to a location for which a new license of that
23 type would qualify under Paragraph (2) of Section (A) above and to an operator who has been
24 approved by the City Council.

25 (B) Except with respect to a tavern-limited license issued under Subsection (C) of
26 this Section, [A] a tavern-limited license, or the transfer of a license, may be conditioned upon one
27 or more of the following:

28 (1) That the establishment be a themed establishment, the theme to be

1 approved by the Director after submission of a written description of at least three operational
2 elements establishing a theme.

3 (2) That the establishment provide live entertainment at least two nights per
4 week, including, but not limited to the following:

5 (a) Music entertainment venue, with live music or [disk] disc jockey
6 (jazz, blues, reggae, hip hop, rock'n'roll, etc.);

7 (b) Nightclub venue with dancing and live music or live [disk] disc
8 jockey;

9 (c) Comedy entertainment venue, with live comedic performers;

10 (d) Karaoke entertainment venue, with amateur guest performers;

11 and

12 (e) Other live entertainment venues, to be determined by the City
13 Council for acceptability and conformity to the goals and objectives of the District.

14 (3) That the establishment provide for outdoor seating in a number and
15 manner approved by the City Council.

16 (4) Establishment of an annual review for conformity to the licensing
17 standards and conditions, for a period of time to be established by the City Council.

18 (5) Submittal of a business security plan, to be approved by the City.

19 (6) Such other conditions as may be recommended by City staff and
20 imposed by the City Council.

21 (C) Independent of the provisions contained in Subsection (B) of this Section, a
22 person who owns or controls an outdoor entertainment complex, or a person who is associated with
23 such a person by means of license or lease or other written consent to operate an outdoor entertainment
24 complex, may only engage in the business of selling alcoholic beverages, advertise the same or permit
25 the consumption of alcoholic beverages upon the premises of an outdoor entertainment complex by
26 obtaining and thereafter maintaining a valid unexpired tavern-limited license specific for an outdoor
27 entertainment complex pursuant to this Code. Unless otherwise restricted by conditions imposed on
28 a license by the City Council, such a license authorizes the sale of alcoholic beverages for

1 consumption at any location within an outdoor entertainment complex, but subject to compliance with
2 the provisions of Subsections (D) and (E) of this Section.

3 (D) The issuance of a tavern-limited license under Subsection (C) of this Section
4 shall be contingent upon the following:

5 (1) Submittal of a site plan for the outdoor entertainment complex that
6 indicates all uses included within the complex, the controlled points access as required herein,
7 locations where alcohol may be consumed within the boundaries of the complex, and any areas where
8 minors may be segregated from persons over twenty-one years of age that are consuming alcohol, if
9 any.

10 (2) Submittal of a business security plan that:

11 (a) Is designed to ensure that minors are not served or permitted to
12 consume alcoholic beverages; and

13 (b) Specifically identifies how the operator of the outdoor
14 entertainment complex will ensure that patrons will not remove alcoholic beverages from the complex.

15 (3) Submittal of an internal signage plan that, at a minimum, is designed
16 to ensure the existence and maintenance of signage that reasonably and appropriately:

17 (a) Indicates that minors are not to be served nor consume alcohol;
18 and

19 (b) Displays the scheduled entertainment to be provided to the
20 public.

21 (4) Approval by the Director of the plans identified in Paragraphs (1)
22 through (3) above, taking into account any review and recommendation of Metro regarding those
23 plans.

24 (E) A tavern-limited license under Subsection (C) of this Section shall be
25 conditioned upon compliance by the licensee and the operator of the outdoor entertainment complex
26 with the following requirements:

27 (1) That at least one restaurant within the outdoor entertainment complex
28 is open and fully operational whenever any alcoholic beverage service is available, except when the

1 complex is closed to minors or a special event permit has been issued for an event pursuant to LVMC
2 Chapter 12.02.

3 (2) That no alcoholic beverages are allowed to be consumed within any
4 retail establishment operating at the outdoor entertainment complex.

5 (3) That patrons and guests are not allowed to leave the outdoor
6 entertainment complex with an alcoholic beverage.

7 (4) That access into and out of the outdoor entertainment complex is
8 controlled so that there are no more than four points of ingress and egress.

9 (5) Such other conditions as may be recommended by City staff and
10 imposed by the City Council.

11 (F) The transfer of a license issued under Subsection (C) of this Section shall be
12 subject to the contingencies and conditions regarding an initial license that are identified in
13 Subsections (D) and (E) of this Section.

14 SECTION 5: Title 6, Chapter 50, Section 450, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.50.450:** It is unlawful for any person to sell any alcoholic beverage:

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

20 (B) To a person who is intoxicated;

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

24 (D) Through or by means of a drive-in or walk-up window, door or other opening;

25 (E) In any manner not authorized by the license under which authority the person
26 making such sale is authorized to do business; [and] or

27 (F) At any place where persons under twenty-one years of age are present unless
28 they are continuously accompanied by a parent or legal guardian[.], or as otherwise permitted by the

1 City Council pursuant to a specific condition of an alcoholic beverage license. If such sales are
2 permitted by the City Council, the licensee may be required to provide a barrier sufficient to prevent
3 access by minors to the area(s) where the alcoholic beverages are served.

4 SECTION 6: Title 6, Chapter 40, Section 155, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.40.155:** (A) The City Council may deny any application for a gaming license if it deems the
7 place or location for which the license is sought to be unsuitable for the conduct of gaming.

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

- 10 (1) Laundromats;
- 11 (2) Bakeries, donut shops and any other retail location, except as otherwise
12 provided in LVMC 6.40.140 and 6.40.150;
- 13 (3) Movie theaters and professional offices;
- 14 (4) Fast food establishments;
- 15 (5) Hotels with a lounge bar license;
- 16 (6) Locations within the Downtown Entertainment Overlay District, as
17 described in LVMC 19.10.120; [and]
- 18 (7) Establishments at which a person holds a tavern-limited license;_
- 19 (8) Beer and wine rooms[.]; and
- 20 (9) Outdoor entertainment complexes.

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

24 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

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

11 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
13 1983 Edition, in conflict herewith are hereby repealed.

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

15 APPROVED:

16
17 By CAROLYN G. GOODMAN, Mayor

18 ATTEST:

19 BEVERLY K. BRIDGES, MMC
20 City Clerk

21 APPROVED AS TO FORM:

22 Val Steed 6-25-13
23 Date

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: _____

11

12

APPROVED:

13

14

By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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