

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 495 S. MAIN STREET
CITY CLERK'S 2ND FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
AUGUST 20, 2013
9:00 A.M.**

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME. BACKUP MATERIAL FOR THIS AGENDA MAY BE OBTAINED FROM BEVERLY K. BRIDGES, CITY CLERK, AT THE CITY CLERK'S OFFICE AT 495 SOUTH MAIN STREET, 2ND FLOOR OR ON THE CITY'S WEBPAGE AT www.lasvegasnevada.gov.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. ABEYANCE ITEM - Bill No. 2013-32 - For Possible Action - Updates the City's gaming regulations to add business license categories and fees for operators of interactive gaming, interactive gaming service providers and manufacturers of interactive gaming systems. Proposed by: Flinn Fagg, Director of Planning
4. Bill No. 2013-36 - For Possible Action - Updates the City's alcohol licensing regulations, including the adjustment of license categories, and updates corresponding zoning, gaming and other regulatory provisions regarding alcohol-related uses. Proposed by: Flinn Fagg, Director of Planning
5. Bill No. 2013-37 - For Possible Action - Updates the City's regulations regarding obstructions or encroachments within City rights-of-way. Proposed by: Christopher Knight, Director of Building and Safety
6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
7. ADJOURNMENT

City of Las Vegas

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Thursday, 7:00 A.M. to 5:30 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 20, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CALL TO ORDER



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 20, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 20, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE ITEM - Bill No. 2013-32 - For Possible Action - Updates the City's gaming regulations to add business license categories and fees for operators of interactive gaming, interactive gaming service providers and manufacturers of interactive gaming systems. Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's gaming regulations to add business license categories and fees for operators of interactive gaming, interactive gaming service providers and manufacturers of interactive gaming systems. This item was held in Abeyance from the July 23, 2013 Recommending Committee Meeting.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2013-32

1 **BILL NO. 2013-32**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S GAMING REGULATIONS TO ADD BUSINESS
4 LICENSE CATEGORIES AND FEES FOR OPERATORS OF INTERACTIVE GAMING,
5 INTERACTIVE GAMING SERVICE PROVIDERS AND MANUFACTURERS OF INTERACTIVE
6 GAMING SYSTEMS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the City's gaming regulations to add business license categories and fees for operators of interactive gaming, interactive gaming service providers and manufacturers of interactive gaming systems.

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8
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Title 6, Chapter 40, Section 20, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.40.020:** As used in this Chapter, unless the context otherwise requires, the following words
14 shall have the meaning ascribed:

15 [(A)] "Game" or "gambling game" means any banking or percentage game played with cards,
16 dice or any mechanical, electromechanical or electronic device or machine for money, property,
17 checks, credit or any representative of value, including, without limiting the generality of the
18 foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, big
19 injun, klondike, craps, poker chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin
20 de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, or any other game or device
21 approved by the Nevada Gaming Commission, but does not include social games played solely for
22 drinks, or cigars or cigarettes served individually, or games played in private homes or residences for
23 prizes or games operated by charitable or educational organizations which have been approved by the
24 State Gaming Control Board. For purposes of this Chapter, a "game" or "gambling game" does not
25 include interactive gaming systems or any of the above games offered to persons for play exclusively
26 by, through or over an interactive gaming system.

27 [(B)] "Gaming" or "gambling" means to deal, operate, carry on, conduct, maintain or expose
28 for play any game, interactive gaming, sports book, parimutuel or any other form of wagering.

1 “Gross revenue” is defined at NRS 463.0161.

2 “Interactive gaming” is defined at NRS 463.016425.

3 “Interactive gaming system” means the collective hardware, software communications
4 technology, and proprietary hardware and software specifically designed or modified for, and intended
5 for use in, the conduct of interactive gaming.

6 “Interactive gaming service provider” means a person who acts on behalf of an operator
7 of interactive gaming and:

8 (1) Manages, administers or controls wagers that are initiated, received or
9 made on an interactive gaming system;

10 (2) Manages, administers or controls the games with which wagers that are
11 initiated, received or made on an interactive gaming system are associated;

12 (3) Maintains or operates the software or hardware of an interactive gaming
13 system;

14 (4) Provides the trademarks, trade names, service marks or similar
15 intellectual property under which an operator of interactive gaming identifies its interactive gaming
16 system to patrons;

17 (5) Provides information regarding persons to an operator of interactive
18 gaming via a database or customer list; or

19 (6) Provides products, services, information or assets to an operator of
20 interactive gaming and receives therefor a percentage of gaming revenue from the establishment’s
21 interactive gaming system.

22 For the purposes of this definition, a manufacturer of interactive gaming systems licensed by the
23 Nevada Gaming Commission that receives a share of revenue from an interactive gaming system
24 operated on behalf of a licensed operator of interactive gaming within the City is deemed to be an
25 interactive service provider.

26 “Interstate interactive gaming” means interactive gaming activities that occur between
27 persons within the state of Nevada and persons outside of the boundaries of the state of Nevada.

28 “Intrastate interactive gaming” means interactive gaming activities that occur between

1 persons only within the boundaries of the state of Nevada.

2 [(C)] “Nonrestricted license” and “nonrestricted gaming” means a gaming license for, or an
3 operation consisting of, sixteen or more slot machines or a license for, or an operation consisting of,
4 any number of slot machines together with any other game, gaming device, race book, or sports pool
5 at one establishment.

6 “Operator of interactive gaming” means a person who is licensed for the operation of
7 interactive gaming.

8 [(D)] “Race book information service” means any person, who receives such broadcast, who
9 furnishes an operator of a race book, sports pool or gambling game who is licensed in the State with
10 information that relates to horseracing or other racing which is used to determine the winners of, or
11 payoffs, on, wagers that are accepted by such operator.

12 [(E)] “Racehorse book” or “race book” means a sports pool on horseraces.

13 [(F)] “Resort hotel” means a building or a group of buildings which are designed and
14 integrated to clearly demonstrate the appearance of one facility wherein:

15 (1) Sleeping accommodations are provided in guestrooms at daily rates to
16 tourists and transient guests;

17 (2) No provision is made for cooking food in any guestroom, except as
18 permitted by the provisions of this Chapter;

19 (3) There is a gaming area within the building or group of buildings;

20 (4) There are more than two hundred guestrooms available for sleeping
21 accommodations;

22 (5) There is integrated in the facility near the area where licensed games are
23 provided at least one restaurant with permanent seating capacity for more than sixty patrons that is
24 open to the public twenty-four hours each day and seven days each [wee;] week;

25 (6) There is a lobby near the restaurant and licensed games for the guests
26 to check in and out and receive messages; and

27 (7) There is at least [on] one bar with permanent seating capacity for more
28 than thirty persons that serves alcoholic beverages sold by the drink for consumption on the premises.

1 [(G)] "Restricted license" and "restricted gaming" means a gaming license for, or an
2 operation consisting of, not more than fifteen slot machines, incidental to the primary business at the
3 establishment, and no other game or gaming device at the establishment.

4 [(H)] "Slot machine" means any mechanical, electrical or other device, contrivance or
5 machine which, upon insertion of a coin, token or similar object therein, or upon payment of any
6 consideration whatsoever, is available to play or operate, the play or operation of which, whether by
7 reason of the skill of the operator or application of the element of chance, or both, may deliver or
8 entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens
9 or anything of value whatsoever, whether the payoff is made automatically from the machine or in any
10 other manner whatsoever.

11 If a machine has multiple capacities the Director [of Business Activity] shall make a determination,
12 consistent with the determination made by the State Gaming Control Board, whether the machine
13 constitutes two or more slot machines for the purpose of this Chapter based on the number of payout
14 devices, coin receptacles or slots, handles or other devices for multiple players, or means of
15 determining winnings.

16 [(I)] "Slot operator" means a licensee engaged in the business of placing slot machines upon
17 the business premises of another under any agreement whereby consideration is paid or is payable for
18 the placement of such slot machines, whether the consideration is measured by a percentage of
19 revenue derived from such machines or by a fixed fee or otherwise.

20 [(J)] "Sports pool" means the business of accepting wagers on sporting events by any system
21 or method of wagering other than the system known as the parimutuel method of wagering.

22 SECTION 2: Title 6, Chapter 40, Section 30, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.40.030:** (A) Except as otherwise provided in Subsections (B) and (C), [No] no person shall:

25 [(A)] (1) Deal, operate, carry on, conduct, maintain or expose for play in the City
26 any game or interactive gaming, or operate, carry on, conduct or maintain any interstate or intrastate
27 interactive gaming system, sports pool, parimutuel wagering or any other form of wagering;

28 [(B)] (2) Provide or maintain any information service the primary purpose of

1 which is to aid the placing or making of wagers on events of any kind; or

2 [(C)] (3) Receive any compensation or reward, or any percentage or share of the
3 money or property played, for keeping, running or carrying on any game, interactive gaming, interstate
4 or intrastate interactive gaming system, slot machine or sports pool,

5 ➡without having first procured, and thereafter maintaining a valid, unexpired license pursuant to this
6 Code.

7 (B) Subsection (A) does not require an operator of interactive gaming licensed by
8 the State of Nevada at a location outside of the City's corporate boundaries to obtain and thereafter
9 maintain a license.

10 (C) Subsection (A) does not require an interactive gaming service provider that does
11 not furnish an interactive gaming system, or provide any service of any kind, to an operator of
12 interactive gaming that is within the City's corporate boundaries to obtain and thereafter maintain a
13 license.

14 SECTION 3: Title 6, Chapter 40, Section 40, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.40.040:** It is unlawful for any person knowingly to permit any gaming or interactive gaming to
17 be conducted, operated, dealt or carried on in any house or building or other premises owned by him,
18 in whole or in part, except by a person who is licensed hereunder, or his employee.

19 SECTION 4: Title 6, Chapter 40, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 111, reading
21 as follows:

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1 **6.40.111:** Each licensee shall pay to the Department, in advance annually, the following flat
2 license fees:

3 (A) Operator of interstate interactive gaming – 4 gross revenue received from the operation of interstate interactive gaming during the prior fiscal year from \$0 - \$3,000,000.00	\$5,000.00
5 (B) Operator of interstate interactive Gaming – 6 gross revenue received from operation of interstate interactive gaming during the prior fiscal year from \$3,000,001.00 - \$10,000,000.00	\$25,000.00
7 (C) Operator of interstate interactive gaming – 8 gross revenue received from operation of interstate interactive gaming during the prior fiscal year from \$10,000,001.00 - \$20,000,000.00	\$50,000.00
9 (D) Operator of interstate interactive gaming – 10 gross revenue received from operation of interstate interactive 11 gaming during the prior fiscal year greater than \$20,000,000.00 12 13 14 15 16 17	\$50,000.00 plus an annual increase equal to the Consumer Price Index for all urban consumers (CPI- U) for all items published by the United States Department of Labor for the preceding year. Such increase shall be based upon the annual year average ended on December 31st and will be calculated upon the previous year's total fee due. There shall be no adjustment if the CPI-U decreases on a year-to-year basis.
18 (E) Operator of intrastate interactive gaming	\$1,000.00
19 (F) Interactive gaming service provider	\$1,000.00

20 SECTION 5: Title 6, Chapter 40, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 115, reading
22 as follows:

23 **6.40.115:** A person that holds an interstate interactive gaming license may offer interactive
24 gaming to persons within the boundaries of the State of Nevada without also holding an intrastate
25 interactive gaming license.

26 SECTION 6: Title 6, Chapter 40, Section 120, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.40.120:** (A) Each semiannual fee is due in advance on April 1st and October 1st in each

1 year.

2 (B) Each annual fee is due in advance on April 1st in each year.

3 (C) The first annual fee for an operator of intrastate interactive gaming shall be
4 \$5,000.00, and notwithstanding Subsection (D), below, no proration of such fee shall occur based
5 upon the date of application.

6 [(B)] (D) Applicants who receive license approval on a date other than such due dates
7 shall have their license fees prorated on a monthly basis.

8 [(C)] (E) License fees paid pursuant to LVMC 6.40.110 and LVMC 6.40.111 are not
9 refundable.

10 SECTION 7: Title 6, Chapter 40, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby amended by adding a new section, designated as Section 153, reading
12 as follows:

13 **6.40.153:** Interactive gaming shall only be conducted at a location as permitted under all relevant
14 State statutes and regulations.

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

23 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared
24 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
25 required or the failure to do any act is made or declared to be unlawful or an offense or a
26 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
27 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
28 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

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

6 APPROVED:

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8 By CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 BEVERLY K. BRIDGES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 *Val Steed* 6-25-13
14 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: _____

11

12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: AUGUST 20, 2013**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐ **Consent** ☒ **Discussion****SUBJECT:**

Bill No. 2013-36 - For Possible Action - Updates the City's alcohol licensing regulations, including the adjustment of license categories, and updates corresponding zoning, gaming and other regulatory provisions regarding alcohol-related uses. Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact☒**No Impact**☐**Augmentation Required**☐**Budget Funds Available****Amount:****Funding Source:****Dept./Division:****PURPOSE/BACKGROUND:**

This bill is a general update to the City's alcohol licensing regulations, which includes the deletion, addition and consolidation of various license categories. The bill also includes updates to corresponding zoning, gaming and other regulatory provisions regarding alcohol-related uses.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2013-36

BILL NO. 2013-36

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S ALCOHOL LICENSING REGULATIONS, INCLUDING THE ADJUSTMENT OF LICENSE CATEGORIES; UPDATE CORRESPONDING ZONING, GAMING AND OTHER REGULATORY PROVISIONS REGARDING ALCOHOL-RELATED USES; AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the City's alcohol licensing regulations, including the adjustment of license categories, and updates corresponding zoning, gaming and other regulatory provisions regarding alcohol-related uses.

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

SECTION 1: Ordinance No. 6259 and Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section 20 reads as follows:

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

"Adult" means, for the purposes of this Chapter, a natural person over the age of twenty-one years.

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

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

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

1 display, exhibit and sale of fine art for purchase by the general public. For the purpose of this
2 definition, “fine art” means:

3 (1) A work of visual art such as a painting, sculpture, drawing, mosaic or photograph;

4 (2) A work of written art, such as calligraphy;

5 (3) A work of graphic art, such as an etching, a lithograph, an offset print, a silkscreen, or
6 any other work of like nature;

7 (4) A work in craft materials, including, but not limited to, clay, textile, wood, metal,
8 plastic or glass; or

9 (5) A work in mixed media, which is a work that is any combination of the art media set
10 forth in this definition.

11 “Banquet or event establishment” means any establishment which is rented by individuals or
12 groups to accommodate [private or public] events such as banquets, weddings anniversaries and other
13 similar assemblages. Such establishment may or may not include:

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

15 (2) Outdoor gardens or reception facilities.

16 “Bar” means a physical structure from which alcoholic beverages are poured or served by the
17 drink to patrons or where alcoholic beverages are maintained for pouring or service to patrons. The
18 structure may be permanent or temporary.

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

21 “Beneficial owner” means a person who possesses a lease or other evidence of possessory
22 property rights for the premises for which a license is sought for the full period for which the license
23 is to be used.

24 “Cider” means an alcoholic beverage made from the fermentation of fruit juice that contains
25 not less than one-half of one percent and not more than eight percent of alcohol by volume.

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

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

- (2) Contains at least one anchor retail store of at least twenty thousand square feet;
- (3) Includes a parking lot common to the retail stores; and
- (4) Is situated on at least fifteen gross acres of land.

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

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

(1) Offers for sale prepackaged food products, household items and other goods commonly associated with those products and items, and maintains more than fifty-one percent of its gross retail floor area dedicated to such products and items, provided that not more than [thirty percent of its physical retail inventory on the establishment premises] ten percent of its gross retail floor area is devoted to alcoholic beverages; and

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

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

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

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

“Cultural establishment” means a facility which charges a fee for admission and is dedicated to performing arts, history or education and where food is provided in a concession space. The facility must contain at least one of the following:

- (1) At least two thousand seats in a theater-style setting;
- (2) Indoor exhibit space of 20,000 square feet; or
- (3) Outdoor exhibit space of at least 50 acres.

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

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

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

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

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

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

“General retail store” means a business established for the retail sale of general merchandise in excess of five thousand square feet of floor space devoted for the sale of multiple line products

1 provided that not more than ten percent of its gross retail floor area is devoted to alcoholic beverages,
2 unless otherwise specified by a land use approval or permitted by condition on the alcoholic beverage
3 license.

4 “Gift shop, resort hotel leased” means a discrete area within a resort hotel, owned and operated
5 by a person other than the owner of the resort hotel, that sells clothing and miscellaneous sundries
6 appropriate as gifts, as well as other items, including, but not limited to newspapers, magazines, and
7 foodstuffs. A resort hotel leased gift shop may only sell alcoholic beverages upon the receipt of a
8 valid, unexpired alcoholic beverage license by the operator of the gift shop.

9 “Gift shop, resort hotel owned” means a discrete area within a resort hotel, owned and operated
10 by the resort hotel, that sells clothing and miscellaneous sundries appropriate as gifts, as well as other
11 items, including, but not limited to newspapers, magazines, and foodstuffs. A resort hotel owned gift
12 shop may sell alcoholic beverages without having to obtain a separate package license if the resort
13 hotel is authorized to sell alcoholic beverages pursuant to a tavern license and the floor area for the
14 display of alcoholic beverages does not exceed fifty square feet.

15 “Golf course” means any links consisting of at least eighteen holes which have been certified
16 by the United States Golf Association for individual and group play and which provide a variety of
17 golf facilities, including, but not limited to at least one or more of the following: a driving range, golf
18 lessons, motorized golf carts; a professional golf shop or a clubhouse. Each golf cart that maintains
19 alcoholic beverages for pouring or service to patrons of a golf course, or is used to serve or pour
20 alcoholic beverages to patrons of a golf course is considered to be a separate bar for purposes of this
21 Chapter. Miniature golf and/or putting course facilities and electronically simulated golf courses are
22 not to be considered golf courses for purposes of this definition.

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

25 “Grocery store” means a business establishment which occupies all of the business premises
26 of a building or a portion of the business premises of a building which is segregated physically or
27 spatially from the rest of the business premises, and which contains more than five thousand square
28 feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of

1 warehouse and office space. The term does not include an establishment in which more than thirty
2 percent of the [physical retail inventory] gross retail floor area [on] of the establishment premises
3 consists of alcoholic beverages.

4 “Hotel” means, for purposes of this Chapter, a “resort hotel” as defined by LVMC Chapter
5 6.40.020 (F), except when the term is used in conjunction with a specific term which lists the number
6 of rooms required. A “hotel,” if not a “resort hotel,” contains not less than one hundred fifty guest
7 rooms in a single or connected structure, access to which is controlled through a foyer and hallways;
8 provides rooms which are let or hired out only to transient guests on a day-to-day basis; and does not
9 provide for cooking in individual rooms or suites.

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

12 “Individual access” means the provision of a secured cabinet or refrigerator with alcoholic
13 beverages, access to which is controlled by an adult.

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

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

19 “Lounge” means a room or designated area wherein alcohol is served or poured from a
20 licensed liquor service area to patrons where food is not served or is incidental to its operation and
21 may contain an informal setting of tables, booths or easy chairs, and into which room or designated
22 area minors are not permitted entry. Such room or area must be separated and segregated with a
23 barrier and signage sufficient to preclude minors from entry.

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

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

28 [“Mega store” means a business which has in excess of twenty-five thousand square feet of

1 floor space devoted for the sale of a multiple line of products, including, but not limited to groceries,
2 electronics, pharmaceuticals, home decorating and improvement supplies, office supplies, clothing
3 and similar items.]

4 “Minor” means, for the purposes of this Chapter, a natural person under the age of twenty-one
5 years.

6 “Museum” means a facility with no less than 15,000 square feet of exhibit space open to the
7 general public where a fee is charged for admission and the primary purpose of such facility is the
8 acquisition, preservation, study and exhibition of items of artistic, historic or scientific value.

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

- 11 (1) Is organized or qualified to do business and operate under the laws of the State;
- 12 (2) Has tax-exempt status granted by the United States Internal Revenue Service;
- 13 (3) Maintains a membership of at least one hundred active members who are residents of
14 Southern Nevada, who are twenty-one years of age or older and who pay dues to the nonprofit
15 corporation, association, or organization; and
- 16 (4) Operates a clubhouse, clubroom or meeting room in a permanent location which it
17 owns or leases.

18 “Off-sale” means the sale of alcoholic beverages in original sealed or corked containers for
19 consumption off the premises where the same are sold.

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

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

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

27 “Permanent trade show facility” means a parcel or contiguous parcels of land with one or more
28 buildings located thereon consisting of a minimum of two hundred fifty thousand square feet of floor

1 space that is designed and intended primarily to conduct one or more permanent trade shows annually,
2 at which members of the general public are not admitted. A “permanent trade show facility” may also
3 be used for events to which the general public is invited.

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

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

11 “Restaurant with alcohol” means a restaurant advertised and/or held out to the public to be a
12 place where the primary business is to serve meals and has meals available for service at tables or
13 booths during all times that the business is open. Alcoholic beverages may be served to adult patrons
14 throughout the premises of a restaurant with alcohol, and adults accompanying a minor into the
15 restaurant portion of the business may only be served alcohol in conjunction with meals at dining
16 tables or booths.

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

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

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

1 twenty-five thousand dollars.

2 “Supper club” means a restaurant and bar operation with alcoholic beverage sales wherein the
3 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area
4 by minors and the restaurant operation is the principal portion of the business.]

5 “Specialty drink” means a singular variety of a themed alcoholic drink that represents the
6 culture or ethnicity of the establishment; must be consistent with the ambiance, decór, and menu
7 offerings of the restaurant; and must be served in open containers for consumption only on the
8 licensed premises of the establishment. A drink does not qualify as a “specialty drink” unless it is
9 available for consumption only when the kitchen or food preparation area is open and operating. A
10 specialty drink must be able to be identified and described, in writing, by any applicant for a license
11 that requires the sale or service of a specialty drink and must describe how the drink qualifies for
12 classification as a specialty drink.

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

17 “Wedding chapel” means a business establishment that [is licensed to perform] performs
18 marriages in accordance with State law.

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

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

24 SECTION 2: Title 6, Chapter 50, Section 25, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.50.025:** An alcoholic beverage caterer license authorizes the sale, pouring or serving of
27 alcoholic beverages or the delivery of keg beer to the premises of a purchaser:

28 (A) By an alcoholic beverage caterer or the caterer’s authorized employees pursuant

1 to the provisions of LVMC 6.50.350;

2 (B) Only for consumption on the premises where the same are dispensed, served
3 or sold, and only where the premises are at a commercial or other nonresidential location; and

4 (C) Only during the times, dates and places specified in a permit to provide
5 alcoholic beverage catering services issued pursuant to LVMC 6.50.350.

6 SECTION 3: Title 6, Chapter 50, Section 30, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **6.50.030:** A banquet or event establishment alcoholic beverage license authorizes the sale of
9 alcoholic beverages for consumption at [public or private] specified unique events on the premises of
10 a licensed banquet or event establishment. A banquet or event establishment licensee shall not offer
11 or sell alcoholic beverages to any persons not associated with a specified unique event, nor shall the
12 licensee, on its own behalf, advertise, promote or hold recurring or ongoing events at its own banquet
13 or event establishment in order to sell alcoholic beverages, or permit a singular person or entity to
14 advertise, promote or hold recurring or ongoing events at a banquet or event establishment in order
15 to sell alcoholic beverages. The intent of this Subsection is to permit a banquet or event establishment
16 licensee to offer, sell and serve alcoholic beverages to persons associated with a specified unique
17 event, such as a wedding or wedding reception, bar mitzvah, birthday party or similar unique event,
18 but in no way permit a licensee to utilize a banquet or event establishment license to operate a
19 recurring nightclub or tavern operation without the appropriate alcoholic beverage license.

20 SECTION 4: Title 6, Chapter 50, Sections 40, 45, 50, 60, 70, 90, 95, 100, 110, 115,
21 130, 140, 150, 160, 230, 270 and 330 of the Municipal Code of the City of Las Vegas, Nevada, 1983
22 Edition, are hereby repealed in their entirety.

23 SECTION 5: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 40,
25 reading as follows:

26 **6.50.040:** A beer/wine/cooler on-sale license authorizes the sale of beer, wine and coolers only
27 for consumption on the premises of the following establishments and pursuant to the following
28 conditions:

1 (A) A restaurant, only in connection with and during the consumption of a meal on
2 the premises of the restaurant and where such beverages are served by the licensee or an authorized
3 employee of the licensee. Such a license may be issued only in connection with a restaurant, and the
4 actual seating available at all times for the service of meals (whether at tables, counters or booths)
5 must accommodate at least thirty persons;

6 (B) A museum, and only during the hours of an exhibition, presentation or
7 performance and only when such beverages are consumed in an area of the museum that is segregated
8 so as to be inaccessible to minors, except when a minor is accompanied by his or her parent or legal
9 guardian;

10 (C) A hospital where service of beer, wine or coolers only is complimentary, in
11 conjunction with the birth of a child or similar special event; or

12 (D) A licensed wedding chapel where one bottle is given on a complimentary basis
13 to a newly married couple by the wedding chapel.

14 SECTION 6: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 50,
16 reading as follows:

17 **6.50.050:** A beer/wine/cooler off-sale license authorizes the sale, to consumers only and not for
18 resale, only of beer, wine and coolers, in original sealed or corked containers, for consumption off the
19 premises where business is conducted, and may only be issued in connection with a grocery store, drug
20 store, convenience store, general retail store, resort hotel leased gift shop, or a restaurant that is
21 licensed for the sale of alcoholic beverages pursuant to LVMC 6.50.040.

22 SECTION 7: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
23 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 60,
24 reading as follows:

25 **6.50.060:** (A) A general on-sale license authorizes the sale of alcoholic beverages for
26 consumption on the premises of a licensed golf course establishment, a sports arena, a cultural
27 establishment, a convention center or a theme park where alcohol sales are incidental to the primary
28 business.

1 (B) If requested by the Director or Metro on an event by event basis, the licensee
2 shall require that alcoholic beverages be sold and consumed only in a segregated and secured area
3 wherein only persons twenty-one years of age or older are permitted to enter.

4 (C) The condition set forth in Subsection (B) does not apply to sporting events held
5 at a convention center or sports arena.

6 SECTION 8: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
7 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 100,
8 reading as follows:

9 **6.50.100:** (A) An ancillary license authorizes the sale of alcoholic beverages for specialty
10 sales, instruction or tasting as follows:

11 (1) Internet Sales. A person that offers alcoholic beverages for sale at a
12 grocery store or general retail store in excess of 5000 square feet pursuant to a package liquor license
13 may sell alcoholic beverages by delivery to a purchaser's premises pursuant to an internet purchase
14 order placed by the purchaser subject to sales and delivery restrictions in 6.50.100(B), below.

15 (2) Instructional Wine-Making. A person authorized to sell alcoholic
16 beverages pursuant to a package liquor license may instruct persons regarding the making of wine
17 provided that such licensee first acquires, and maintains in good standing, any required State license
18 or permit.

19 (a) Wines made during the instructional process may be served by
20 the glass for consumption on the premises of the instructional establishment to those persons involved
21 with the instructional process.

22 (b) Notwithstanding the provisions of LVMC 6.50.430, persons who
23 have made wine during an instructional process pursuant to this Section may place such wine in
24 bottles or containers and remove them from the instructional establishment, but only for their personal
25 use.

26 (3) Tasting. A person authorized to sell alcoholic beverages pursuant to
27 a package liquor, wholesale general or beer/wine/cooler off sale license may provide the tasting of
28 wines, beers cordials or liqueurs pursuant to the following conditions:

- 1 (a) The sample must not exceed one-half ounce per drink;
- 2 (b) The samples must be served on the premises of the licensee for
- 3 educational purposes or to promote the sale of packaged alcoholic beverages;
- 4 (c) The samples shall not be offered in conjunction with a meal at
- 5 a restaurant;
- 6 (d) Persons offering samples of alcoholic beverages must be
- 7 employees of the licensee and the person must possess a valid work card; and
- 8 (e) Bottles of wines, beers cordials or liqueurs opened for tasting
- 9 shall not be sold, otherwise distributed or given away.
- 10 (4) Individual Access. An owner or beneficial owner of a hotel that is
- 11 authorized to sell alcoholic beverages pursuant to a hotel lounge bar license, or an owner or beneficial
- 12 owner of a sports arena or convention center that is authorized to sell alcoholic beverages pursuant
- 13 to a general on-sale or a tavern license may sell alcoholic beverages by individual access pursuant to
- 14 the following conditions:
- 15 (a) For individual access in a hotel room:
- 16 (i) The hotel must provide a full-service restaurant that
- 17 serves meals no less than twelve hours every day, room service of meals to all rooms no less than
- 18 twelve hours every day, and no less than one full-time security guard on duty at all times;
- 19 (ii) The hotel must provide a secure means by which an adult
- 20 transient guest may control the access to the secured cabinet or refrigerator from minors that occupy
- 21 the hotel room; and
- 22 (iii) The adult transient guest shall not permit any minors that
- 23 are occupying the hotel room to access the secured cabinet or refrigerator.
- 24 (b) For individual access in a booth or viewing suite at a convention
- 25 center or sports arena:
- 26 (i) The alcoholic beverages for the booths or viewing suites
- 27 shall be provided to the tenant by the licensee. Notwithstanding any other provision of this Chapter,
- 28 a tenant of the booth or viewing suite shall not bring any alcoholic beverages into the booth or viewing

1 suite nor consume any alcohol within the booth or suite that was not provided by the licensee;

2 (ii) The booth or viewing suite must be under the operational
3 control of the licensee;

4 (iii) The licensee shall possess ultimate control of the cabinet
5 or refrigerator inside the booth or viewing suite, and the lock of the refrigerator or cabinet shall be
6 designed such that the key may not be removed from the refrigerator or cabinet without locking the
7 refrigerator or cabinet;

8 (iv) The licensee shall only deliver the key to the refrigerator
9 or cabinet to an adult utilizing the booth or viewing area; and

10 (v) The adult in receipt of the key shall not permit any
11 minors that have access to the booth or viewing area access to the key or access to the open
12 refrigerator or cabinet containing the alcoholic beverages.

13 (B) Delivery Restrictions. Delivery of alcoholic beverages pursuant to LVMC
14 6.50.100(A)(1) above may only occur pursuant to the following conditions:

15 (1) Delivery of alcoholic beverages must be in conjunction with the
16 delivery of groceries in the same purchase order;

17 (2) The person placing an order and receiving the alcoholic beverages must
18 be of legal age to purchase alcoholic beverages;

19 (3) Each sales transaction for delivery shall have written documentation of
20 the sale and delivery on forms acceptable by the Director, which shall include at a minimum:

21 (a) The business name and address of the grocery or general retail
22 store;

23 (b) A detailed list of alcoholic beverages and groceries purchased
24 in each sales transaction;

25 (c) The name and address of the purchaser;

26 (d) The type of identification used to prove the age of the purchaser;

27 and

28 (e) The signature of the delivery person and purchaser involved in

1 the sales transaction.

2 (C) Alcoholic beverages sold pursuant to this ancillary license shall be stored in
3 such a manner that prevents public access.

4 (D) Any ancillary license issued shall be approved on an individual basis indicating
5 the specialty sale allowed and accounted for based upon the fees specified in LVMC 6.50.350.

6 (E) Notwithstanding anything to the contrary, an ancillary license is
7 nontransferable.

8 SECTION 9: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
9 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 150,
10 reading as follows:

11 **6.50.150:** A nonprofit club general on-sale license authorizes the sale of alcoholic beverages by
12 the licensee or the licensee's authorized employees only for consumption on the premises and only
13 to bona fide dues-paying members of the club, and to a member's bona fide guests. A club member
14 must at all times accompany any guests in any area where alcoholic beverages are sold, poured, served
15 or consumed. A key employee must be on the premises during all hours when a bar is open and
16 alcoholic beverages are available for service. Such club shall maintain an accurate sign-in log that
17 each member and the member's guests must sign upon entering the club house, clubroom or meeting
18 room operated by the club. The names in the log must be legible, verifiable and available at all times
19 to Metro or City personnel.

20 SECTION 10: Title 6, Chapter 50, Section 170, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

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

1 parent or legal guardian.

2 (C) Nothing in this Section prohibits the holder of a package license from
3 dispensing beer or cider in a container sold or provided by a licensee, or a sanitary container provided
4 by the customer, with a maximum capacity which does not exceed one gallon subject to the following
5 conditions:

6 (1) The licensee or the licensee's employee fills the container at the time
7 of sale;

8 (2) The container is sealed with a plastic adhesive or tamper-evident seal;
9 and

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

11 SECTION 11: Title 6, Chapter 50, Section 205, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.50.205:** (A) An application for a time-limited special event general or time-limited special
14 event beer/wine/cooler license shall be filed no later than twenty calendar days before the proposed
15 event and must disclose the following information on forms provided by the Department for
16 consideration of approval:

17 (1) Name and address of the applicant:

18 (2) Date, hours, address and description of the event;

19 (3) Approximate number of persons and ages expected to attend the event;

20 (4) Type of alcoholic beverages to be sold or served at the event;

21 (5) Names of the sponsors and promoters of the event; and

22 (6) Names and number of security personnel to be present at the event.

23 (B) Consideration of approval may be delayed or withheld if an application is
24 incomplete.

25 (C) At any event for which a time-limited special event general or time-limited
26 special event beer/wine/cooler license is issued, security shall be provided in accordance with LVMC
27 12.02.150.

28 (D) Except as provided in this Subsection (D), a time-limited special event general

1 or time-limited special event beer/wine/cooler license may be approved and issued by the Director
2 following a finding of suitability. For a time-limited special event general or time-limited special
3 event beer/wine license proposed in connection with a special event that requires City Council
4 approval pursuant to LVMC Chapter 12.02, authority to approve the license lies with the City Council.

5 (E) Except for those establishments authorized to sell alcoholic beverages pursuant
6 to a tavern license or those persons authorized to sell alcoholic beverages pursuant to an alcoholic
7 beverage caterer license, time-limited special event general or time-limited special event
8 beer/wine/cooler license shall not be issued by the Department for any specific business establishment,
9 in excess of two, four-hour periods in any one month. Successive requests for time-limited special
10 event general or special event beer/wine/cooler licenses may be denied by the Director if the Director
11 has reason to believe that the applicant is using such license(s) to circumvent the requirement to obtain
12 a permanent alcoholic beverage license.

13 (F) Time-limited special event beer/wine cooler and time-limited special event
14 general licenses may not be sold or transferred to another person.

15 SECTION 12: Title 6, Chapter 50, Section 210, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.50.210:** [(A) A supper club license authorizes the on-premises sale of alcoholic beverages
18 within the designated bar area of the supper club for consumption only in the bar area or in connection
19 with meals served at tables in the restaurant area of the supper club.

20 (B) During all hours the bar is open to the public a cook and food server, other than
21 a bartender, must be available to prepare and serve meals.]

22 A restaurant with alcohol license authorizes the on-premises sale of alcoholic beverages within a
23 designated lounge area for consumption only in a lounge area and in connection with meals served at
24 tables in the restaurant area of the business.

25 SECTION 13: Title 6, Chapter 50, Section 220, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **6.50.220:** (A) The seating area in the [bar] lounge area of a [supper club] restaurant with
28 alcohol shall not exceed:

1 (1) One bar seat or stool for each eight restaurant seats; and
2 (2) One [lounge] table or booth seat for each three restaurant seats.

3 (B) The actual seating available at all times within the [dining] restaurant area of
4 a [supper club] restaurant with alcohol must be able to accommodate at least one hundred
5 [twenty-five] persons. For purposes of the minimum-seating requirement, the “restaurant area” does
6 not include bar seat or stool seating at [the bar or lounge seating,] a bar, but may include table or booth
7 seating within the bar area and table seating within a patio area.

8 (C) Any lounge area within a restaurant with alcohol shall be separated from the
9 restaurant area by a barrier sufficient to prevent access to the lounge area by minors and by signage
10 approved by the Director.

11 (D) Meals must be served during all hours that the bar is open for business and a
12 cook and food server other than the bartender shall be on duty at all such times.

13 (E) It is unlawful for a restaurant with alcohol to operate a buffet, buffet-style,
14 cafeteria, or cafeteria-style restaurant as the primary food operation of the business. A buffet-style
15 food operation may be among the menu selections at a fixed price; however, the aforementioned food
16 operations are only to supplement the regular menu of complete meals and a la carte items.

17 (F) It is unlawful for a licensee to charge or collect any admission fee, including,
18 but not limited to, soliciting donations or requiring ticket purchases for entry into the licensed
19 establishment.

20 (G) Limited live entertainment is permitted on the premises of the licensed
21 establishment only if approved by the approval authority, and the entertainer(s) providing the limited
22 live entertainment are restricted to an area of no greater than fifty square feet.

23 (H) Food sales at a restaurant with alcohol shall not be less than fifty-five percent
24 of gross sales. For the purpose of this Subsection, “gross sales” means the total of all food sales,
25 nonalcoholic beverage sales, and alcoholic beverage sales. Alcoholic beverage sales shall include the
26 retail value of any complimentary beverages provided to customers of the licensee.

27 (I) The Director or designee shall have access to all records necessary to audit the
28 licensee in order to determine whether the restaurant operation is the principal business. It is unlawful

1 for a licensee to fail to keep adequate records and it is also unlawful for a licensee to fail to produce
2 adequate records to the Director or designee within seventy-two hours of the demand by the Director
3 or designee for production of the records. The records required to be kept and made accessible
4 pursuant to this Subsection shall be those described in LVMC 6.02.210.

5 (J) Each separate bar within the licensed establishment shall be accounted for and
6 licensed separately.

7 SECTION 14: Title 6, Chapter 50, Section 280, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.50.280:** No person shall engage in the business of selling alcoholic beverages, advertise the
10 same or permit the consumption of alcoholic beverages on the premises of any business establishment
11 without first obtaining and thereafter maintaining a valid unexpired alcoholic beverage license
12 pursuant to this Code. The Department shall not issue a license for the sale, advertisement or
13 consumption of alcoholic beverages except to the owner or beneficial owner of a premises where the
14 alcoholic beverages will be sold, advertised or consumed.

15 SECTION 15: Ordinance No. 6259 and Title 6, Chapter 50, Section 285, of the
16 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition are hereby amended so that Section
17 285 reads as follows:

18 **6.50.285:** (A) Notwithstanding any provision in this Chapter to the contrary, the owner of an
19 establishment adjacent to or within the pedestrian mall that holds a tavern license is authorized to sell
20 alcoholic beverages through a walk-up window that faces a street alignment within the boundaries of
21 the pedestrian mall, except for the Casino Center Boulevard and 4th Street alignments. Prior to the
22 placement or construction of such window, a licensee shall comply with all requirements of the
23 Director, the Building Official and the Director of Public Works. Such window shall be considered
24 another bar at the establishment for purposes of this Chapter.

25 (B) Notwithstanding any provision in this Chapter to the contrary, the owner of an
26 establishment licensed to operate nonrestricted gaming that is also authorized to sell alcoholic
27 beverages upon the premises of that establishment pursuant to a tavern alcoholic beverage license may
28 locate a temporary or permanent bar upon an adjacent pedestrian mall, provided that such bar is

1 directly adjacent to the premises of that establishment and upon the pedestrian mall. Prior to the
2 placement or construction of such bar, a licensee shall comply with all requirements of the Director,
3 the Building Official and the Director of Public Works.

4 SECTION 16: Title 6, Chapter 50, Section 310, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.50.310:** [A person licensed for the off-sale or on-off sale of alcohol beverages] Except for those
7 establishments directly adjacent to or upon a pedestrian mall, a person that is authorized to sell
8 alcoholic beverages on an off-sale basis shall post a sign no lower than three feet and no higher than
9 seven feet at each sale counter and at each entrance to the premises advising to the effect that, pursuant
10 to LVMC 10.76.010, it is unlawful for a person to drink an alcoholic beverage or to possess an open
11 container of alcoholic beverage which was purchased in an original sealed or corked container:

12 (A) Upon any premises, including the parking lot, of an establishment which is
13 licensed [only for the off-sale or the on-off-sale of alcoholic beverages;] to sell alcoholic beverages
14 on an off-sale basis; or

15 (B) Upon property, other than residential property, located within one thousand feet
16 of an establishment which is licensed [for off-sale or on-off-sale.] to sell alcoholic beverages on an
17 off-sale basis.

18 SECTION 17: Title 6, Chapter 50, Section 350, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.50.350:** Applicants for a permit to provide alcoholic beverage catering services[, including the
21 pouring of beer by a keg beer licensee as authorized by LVMC 6.50.130,] shall comply with the
22 following provisions:

23 (A) An application for a permit may be made only by a person who holds a valid
24 unexpired alcoholic beverage caterer license [or keg beer license] issued pursuant to this Title.

25 (B) The application shall be made to the Department on forms provided or approved
26 by the Department, not less than three days prior to the proposed event unless otherwise authorized
27 by the Director or his or her designee upon the applicant showing the impracticability of his or her
28 compliance with the advance filing requirement.

- 1 (C) The application shall set forth the following information:
- 2 (1) Name and address of the applicant;
- 3 (2) Date, hours, address and description of the event;
- 4 (3) Approximate number and ages of persons to be in attendance;
- 5 (4) Type of alcoholic beverages to be served;
- 6 (5) The names of the sponsors and promoters of the event;
- 7 (6) The names and number of security personnel to be present at the event;
- 8 (7) The names of the employees who will be working at the event including
- 9 their work card numbers, health card numbers and their respective expiration dates; and
- 10 (8) If requested by the Department, a copy of any written contract by which
- 11 the licensee will provide catering services for the event.
- 12 (D) Each event requires a separate permit.
- 13 (E) A nonrefundable fee of twenty-five dollars for each permit shall be paid at the
- 14 time an application for permit is filed. If there is more than one bar in operation at an event a
- 15 nonrefundable fee of twenty-five dollars per bar shall be paid for a permit. For an application that is
- 16 filed later than the deadline specified in Subsection (B) and that is accepted by the Department, the
- 17 licensee shall pay an additional fee of fifty dollars for each day past the deadline.
- 18 (F) A current employee list must be submitted at the beginning of each calendar
- 19 [quarter] year and such list is required to be updated in the event of changes in employment levels
- 20 between the date of the [quarterly] yearly submission and the date an application for a new permit is
- 21 filed. The updated list is to be filed with the application for permit.
- 22 (G) The employee list referenced in Subsection (F) of this Section must be
- 23 maintained on the site of the event for which the permit was issued and must be made available on site
- 24 of the event to Metro and the Department upon their request.
- 25 (H) Sales of alcoholic beverages at an event are only permitted to be made by the
- 26 permittee or his or her employees whose names appear on the employee list referenced in Subsections
- 27 (F) and (G) of this Section.
- 28 (I) At the conclusion of an event, all alcoholic beverages must be removed from

1 the event premises unless they are the business premises of an establishment with a valid alcoholic
2 beverage license.

3 SECTION 18: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
4 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 352,
5 reading as follows:

6 **6.50.352:** An art gallery alcoholic beverage permit authorizes the limited service and on-premises
7 consumption of complimentary beer, wine or coolers at an art gallery in conjunction with the sale of
8 art where the sale of alcoholic beverages are not otherwise authorized pursuant to an alcoholic
9 beverage license. A permittee shall comply with the following:

10 (A) Application Requirements.

11 (1) Application for an art gallery alcoholic beverage permit shall only be
12 made by the owner or the beneficial owner of an art gallery.

13 (2) An application shall be made on a form determined by the Director and
14 the fee for filing such application is \$100.00. Upon application, the applicant shall be subject to a
15 finding of suitability by the Director pursuant to LVMC 6.02. The Director may issue a temporary
16 permit pending suitability determination.

17 (3) An applicant shall file a security plan to be approved by the Director.

18 (4) The applicant shall list each day that wine, beer and/or cooler beverages
19 will be served. An approved schedule shall not be changed without a minimum of fifteen days written
20 notice to the Department.

21 (5) An art gallery shall not be denied an art gallery permit based solely on
22 the art gallery's proximity to any public or private school or the principal campus of a college,
23 university, or seminary.

24 (6) The Director may reject the application if the applicant fails to establish
25 that the applicant is able to offer complimentary wine, beer or cooler beverages without violating the
26 provisions of this Subsection, or if the Director finds grounds for disciplinary action against the
27 applicant pursuant to LVMC 6.02.330, or if the Director finds grounds as provided by any specifically
28 applicable chapter of Title 6.

(7) A permit may be suspended or revoked by the Director if the permittee violates any provision of this Chapter, Chapter 6.50, any policy adopted by the Director regarding such permits, failure by the applicant to truthfully furnish any required information in connection with a permit application or, upon completion of the suitability review pursuant to LVMC 6.02, if the applicant is found unsuitable to hold such a permit.

(B) An art gallery permittee shall not serve wine, beer or cooler beverages for more than four hours in any one day, and shall not serve alcoholic beverages more than fifteen days per permit year.

(C) An art gallery permittee shall not, directly or indirectly, sell wine, beer or cooler beverages by the drink.

(D) An art gallery shall not charge an entrance fee, a cover charge or require any remuneration for entry into the art gallery, nor charge any other fee in connection with offering complimentary alcoholic beverages for consumption on the premises.

(E) An art gallery shall not permit more than two hundred fifty people or the maximum occupancy of their building premises, whichever is less, to be on the premises at one time when wine, beer or coolers are being served.

(F) At the conclusion of an event, all beer, wine and coolers must be removed from the premises.

SECTION 19: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

License Category	Semiannual License Fee (Dollars)
Alcoholic beverage caterer	\$ 500.00
Ancillary	500.00 per category authorized or 1% of gross sales, whichever is greater
Ancillary brew pub	500.00 or 1% of sales to licensed wholesale dealers, whichever is greater
Ancillary lounge bar	1,200.00
Banquet or event establishment	500.00

1	Beer and wine room	700.00
2	Plus: fee for each additional bar	400.00
3	[Beer/wine/cooler cultural event on-sale]	[150.00]
4	Beer/wine/cooler on-sale	300.00
5	Beer/wine/cooler off-sale	300.00
6	[Beer/wine/cooler on-off sale]	[600.00]
7	[Convention facility]	[1,200.00]
8	General on-sale	1,200.00
9	Plus: fee for each additional bar	900.00
10	General on-sale (beer and wine)	500.00
11	[Gift basket limited]	[300.00]
12	[Gift shop limited]	[500.00]
13	[Grocery store or mega store internet sale]	[500.00]
14	[Instructional wine making facility]	[600.00]
15	[Keg beer]	[200.00]
16	Liquor manufacturer	1,000.00
17	Nonprofit club general on-sale	200.00
18	[Nonprofit club restaurant service bar]	[100.00]
19	Package	750.00
20	Permanent trade show facility	2,400.00
21	Restaurant service bar	600.00
22	[Supper club] Restaurant with alcohol	800.00
23	Plus: fee for each additional bar	750.00
24	Tavern (one bar)	1,200.00
25	Plus: fee for each additional bar	900.00
26	Plus: fee for resort hotel owned gift shop	900.00
27	Tavern-limited (one bar)	800.00
28	Plus: fee for each additional bar	500.00
29	Urban lounge (one bar)	1,000.00
30	Plus: fee for each additional bar	750.00
31	Wholesale general	1,000.00
32	[Wine, beer, cordial, liqueur tasting]	[600.00]

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

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

4 SECTION 20: Title 6, Chapter 50, Section 370, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.50.370:** (A) Each semiannual fee is due in advance on April 1st and October 1st in each year
7 except that the applicant for a new alcoholic beverage license who starts business between April 1st
8 and October 1st or between October 1st and April 1st shall have its semiannual fees prorated on a
9 monthly basis. Upon a change of ownership required by a reorganization pursuant to a plan of
10 reorganization approved by a bankruptcy court, the new owner shall receive credit for semiannual
11 license fees required by this section that were paid by the prior owner.

12 (B) Any semiannual fee which is not received by the Department on or before the
13 due date shall be assessed a late-payment penalty in an amount equal to ten percent of the amount of
14 such semiannual fee. If the semiannual fee and penalty is not received by the Department within
15 fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such
16 semiannual fee shall be assessed. If the semiannual fee and all penalties are not received by the
17 Department within sixty days after the due date, the license shall be automatically suspended.

18 (C) A license that has been suspended for nonpayment of license fees and penalties
19 may be reinstated by the Director to full standing if the licensee pays the delinquent license fees and
20 penalties, plus an additional reinstatement fee in an amount equal to one-half of the semiannual license
21 fee for such business. The reinstatement fee is exclusive of the regular semiannual alcoholic beverage
22 license fee for that license. The fees and penalties required to be paid pursuant to this Subsection (C)
23 shall be paid not later than ten calendar days following the date of suspension of the license or, if the
24 tenth day falls on a weekend or holiday, the next business day. The license shall be deemed
25 automatically revoked if such fees and penalties are not paid in accordance with this Section.

26 SECTION 21: Title 6, Chapter 50, Section 380, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.50.380:** (A) The origination charge listed in this Section is a one time charge which

is due and payable at the time of filing an application for an alcoholic beverage license.

Origination charges are as follows:

License Category	Origination Charge (Dollars)
Alcoholic beverage caterer	\$ 4,000.00
Ancillary lounge bar	40,000.00
Banquet or event establishment	20,000.00
Beer and wine room	7,500.00
[Beer/wine/cooler cultural event on-sale]	[500.00]
Beer/wine/cooler on-sale	2,500.00
Beer/wine/cooler off-sale	2,500.00
[Beer/wine/cooler on-off sale]	[5,000.00]
[Convention facility]	[75,000.00]
General on-sale	75,000.00
General on-sale (beer and wine)	20,000.00
[Gift basket limited]	[1,000.00]
[Gift shop limited]	[4,000.00]
[Grocery store or mega store internet sale]	[2,500.00]
[Instructional wine making facility]	[2,500.00]
[Keg beer]	[4,000.00]
Liquor manufacturer	10,000.00
Nonprofit club general on-sale	2,000.00
[Nonprofit club restaurant service bar]	[1,000.00]
Package	40,000.00
Permanent trade show facility	60,000.00
Restaurant service bar	30,000.00
[Supper club] <u>Restaurant with alcohol</u>	40,000.00
Tavern	75,000.00
Tavern-limited	20,000.00
Urban lounge	50,000.00
Wholesale general	10,000.00
[Wine, beer, cordial, liqueur tasting]	[2,000.00]

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

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

9 SECTION 22: Title 6, Chapter 50, Section 390, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.50.390:** (A) Alcoholic beverage licensees shall immediately notify the Department [of
12 Planning and Development and the Department of Finance and Business Services] in writing when
13 they discontinue their alcoholic beverage business operations. For a temporary discontinuance, the
14 notification shall include the reasons for the discontinuance. A temporary discontinuance shall not
15 diminish or modify the application and effect of the provisions of Title 19 pertaining to the
16 discontinuance of cessation of a use. Any licensee who desires permanently to discontinue the
17 alcoholic beverage operations of a business and to sell its license may notify the Department of its
18 desire to sell such license, and the Department shall maintain a list of such licenses and make it
19 available to any person who is interested in obtaining a license. Any such licensee who desires to have
20 the Department include the licensee on a list of non-operational licenses that are available for sale may
21 request the Department to do so in exchange for the payment of an annual fee of one hundred dollars.

22 The Department is under no obligation to include the listing of a license for longer than three years,
23 or to include or retain on the list any license that has been listed as an asset in bankruptcy proceedings.

24 (B) Persons acquiring a license from a licensee shall comply with all applicable
25 requirements of this Title for the original issuance of the license being sold, assigned or transferred
26 as well as all amendments thereafter to this Title pertaining to alcoholic beverage licenses.

27 (C) Reinstatement of an alcoholic beverage license that has been sold, assigned or
28 transferred after a discontinued use for longer than six months pursuant to Subsection (A), above, shall

1 be charged a reinstatement fee of ten percent of the origination fee as provided for such license
2 pursuant to LVMC 6.50.380.

3 SECTION 23: Title 6, Chapter 50, Section 430, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.50.430:** (A) Notwithstanding any other provision of this Chapter, but subject to Subsection
6 (D) of this Section, the following types of establishments may permit a customer to bring a bottle of
7 wine into the establishment for purposes of having the establishment pour and serve the wine in
8 connection with a meal served to the customer:

- 9 (1) Beer/wine/cooler on-sale;
- 10 (2) [Beer/wine/cooler on-off-sale;] Tavern;
- 11 (3) Restaurant service bar; and
- 12 (4) [Supper club.] Restaurant with alcohol.

13 (B) An establishment that provides the service referred to in Subsection (A) may
14 charge a fee for the service (a “corking fee”).

15 (C) The licensee of an establishment that provides the service referred to in
16 Subsection (A) is responsible for ensuring that:

- 17 (1) The contents of the bottle of wine brought into the establishment are
18 fully consumed on the premises;
- 19 (2) The bottle of wine remains on the premises and is disposed of by the
20 establishment; or
- 21 (3) If the contents of the bottle of wine are not fully consumed and the bottle
22 is to be returned to the customer, the bottle is properly re-corked before it is returned to the customer
23 to be taken off the premises.

24 (D) This Section is a reflection of the City’s authority to regulate businesses serving
25 alcoholic beverages and sets forth the parameters of regulation insofar as the City is concerned.
26 Nothing in this Section is intended to diminish or otherwise affect the application of State laws or
27 regulations governing the subject.

28 SECTION 24: Ordinance No. 6259 and Title 6, Chapter 50, Section 450, of the

1 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section
2 450 reads as follows:

3 **6.50.450:** It is unlawful for any person to sell any alcoholic beverage:

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

7 (B) To a person who is intoxicated;

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

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

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

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

17 SECTION 25: Title 6, Chapter 50, Section 490, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.50.490:** It is unlawful for any person to employ a person under the age of twenty-one years to
20 sell or handle alcoholic beverages, or to allow a person under the age of twenty-one years to sell or
21 handle for the purpose of transacting a sale of alcoholic beverages at such person's place of business;
22 provided, however, that a person who is at least sixteen years of age may;

23 (A) [handle] Handle beer, wine and coolers only, in original sealed or corked
24 containers, while they are employed in an on-sale[,] or off-sale [or on-off-sale] licensed establishment
25 and only when they are actually being supervised by another person who is at least twenty-one years
26 of age and who himself is an owner or employee of the licensee[.]; and

27 (B) Handle alcoholic drink containers previously consumed with meals at a an
28 establishment authorized to sell alcoholic beverages pursuant to an alcoholic beverage license in the

1 course of clearing and/or cleaning tables.

2 SECTION 26: Ordinance No. 6190 and the Unified Development Code adopted as
3 Title 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended
4 as set forth in Sections 27 to 36, inclusive, of this Ordinance. For each of those sections, the
5 amendment is deemed to be an amendment to both Ordinance No. 6190 and the Unified Development
6 Code adopted as Title 19.

7 SECTION 27: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section
8 10, is hereby amended by amending the entry for the use “Supper Club” so that the name of the use
9 reads “Restaurant with Alcohol.”

10 SECTION 28: Title 19, Chapter 12, Section 70, is hereby amended by amending the
11 entry for the use “Beer/Wine/Cooler Off-Sale Establishment” so that the description of the use reads
12 as follows:

13 **Description:** An establishment whose license to sell alcoholic beverages is limited to the sale of beer,
14 wine and coolers to consumers only and not for resale, in original sealed or corked containers, for
15 consumption off the premises where [the same are sold] business is conducted, and is operated in
16 connection with a grocery store, drug store, convenience store, restaurant or [specialty merchandise]
17 general retail store.

18 SECTION 29: Title 19, Chapter 12, Section 70, is hereby amended by amending the
19 entry for the use “Beer/Wine/Cooler On- and Off-Sale Establishment” so that the description of the
20 use reads as follows:

21 **Description:** An establishment:

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

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

25 b. The sale of beer, wine and coolers to consumers only and not for resale, in original
26 sealed or corked containers, for consumption off the premises where the [same are sold] business is
27 conducted; and

28 2. Is operated in connection with a restaurant, grocery store, general retail store or convenience

1 store in which 30 or more people may be served with meals at any one time at tables or stools.

2 SECTION 30: Title 19, Chapter 12, Section 70, is hereby amended by amending the
3 entry for the use "Beer/Wine/Cooler On-Sale Establishment" so that the description of the use reads
4 as follows:

5 **Description:** An establishment whose license to sell alcoholic beverages is limited to [the sale of
6 beer, wine and coolers for consumption only in connection with a meal on the premises where the
7 same is sold, and is operated in connection with a restaurant in which 30 or more people may be
8 served with meals at any one time at tables or stools.] the sale only of beer, wine and coolers only for
9 consumption on the premises of the following establishments and pursuant to the following
10 conditions:

11 (A) A restaurant, only in connection with and during the consumption of a meal on
12 the premises of the restaurant and where such beverages are served by the licensee or an authorized
13 employee of the licensee. Such a license may be issued only in connection with a restaurant, and the
14 actual seating available at all times for the service of meals (whether at tables, counters or booths)
15 must accommodate at least thirty persons;

16 (B) A museum or an art gallery and only during the hours of an exhibition,
17 presentation or performance and only when such beverages are consumed in an area of the museum
18 or art gallery that is segregated so as to be inaccessible to minors, except when a minor is accompanied
19 by his or her parent or legal guardian;

20 (C) A hospital where service of beer, wine or coolers only is complimentary, in
21 conjunction with the birth of a child or similar special event; or

22 (D) A licensed wedding chapel where one bottle is given on a complimentary basis
23 to a newly married couple by the wedding chapel.

24 SECTION 31: Title 19, Chapter 12, Section 70, is hereby amended by amending the
25 entry for the use "Restaurant with Service Bar" so that the Minimum Special Use Permit
26 Requirements for the use read as follows:

27 **Minimum Special Use Permit Requirements:**

28 1. No restaurant service bar shall be located within 400 feet of any church, synagogue, school, child

1 care facility licensed for more than 12 children or City park.

2 2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in
3 Requirement 1 shall be determined with reference to the shortest distance between two property lines,
4 one being the property line of the proposed restaurant service bar which is closest to the existing use
5 to which the measurement pertains, and the other being the property line of that existing use which
6 is closest to the proposed restaurant service bar. The distance shall be measured in a straight line
7 without regard to intervening obstacles. For purposes of measurement, the term “property line” refers
8 to property lines of fee interest parcels and does not include the property line of:

9 a. Any leasehold parcel; or

10 b. Any parcel which lacks access to a public street or has no area for on-site parking and
11 which has been created so as to avoid the distance limitation described in Requirement 1.

12 3. In the case of a restaurant service bar proposed to be located on a parcel of at least 80 acres in
13 size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

14 a. From the nearest property line of the existing use to the nearest portion of the structure
15 in which the restaurant service bar will be located, without regard to intervening obstacles; or

16 b. In the case of a proposed restaurant service bar which will be located within a shopping
17 center or other multiple-tenant structure, from the nearest property line of the existing use to the
18 nearest property line of a leasehold or occupancy parcel in which the restaurant service bar will be
19 located, without regard to intervening obstacles.

20 4. When considering a Special Use Permit application for a restaurant service bar which also
21 requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into
22 consideration the distance policy and shall, as part of its recommendation to the City Council, state
23 whether the distance requirement should be waived and the reasons in support of the decision.

24 5. The minimum distance requirement in Requirement 1 does not apply to an establishment which
25 has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or
26 before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July
27 1, 1992.

28 [*6. In the O District, a restaurant service bar is permitted only as an accessory use.]

1 *~~[7]~~6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC
2 Chapter 6.50.

3 SECTION 32: Title 19, Chapter 12, Section 70, is hereby amended by deleting in its
4 entirety the entry for the use "Supper Club."

5 SECTION 33: Title 19, Chapter 12, Section 70, is hereby amended by adding thereto,
6 at the appropriate location, an entry for the use "Restaurant with Alcohol," reading as follows:

7 **Restaurant with Alcohol**

8 **Description:** A restaurant with alcoholic beverage sales in which:

- 9 1. The actual seating available at all times within the dining area will accommodate at least 100
10 persons. For purposes of this requirement, the "dining area" does not include bar stool seating at the
11 bar or lounge seating, but may include table or booth seating within the bar area and table seating
12 within a patio area;
- 13 2. Alcoholic beverages are served in the restaurant portion of the dining area only in conjunction
14 with the service of food;
- 15 3. Full-course meals are available during all hours the bar/lounge area is open to the public;
- 16 4. A cook and food server, other than a bartender, are available at all times the bar/lounge area is
17 open to the public; and
- 18 5. The restaurant operation is the principal portion of the business.

19 **Minimum Special Use Permit Requirements:**

- 20 1. No restaurant with alcohol shall be located within 400 feet of any church, synagogue, school,
21 child care facility licensed for more than 12 children or City park.
- 22 2. Except as otherwise provided in Requirement 2 below, the minimum distances referred to in
23 Requirement 1 shall be determined with reference to the shortest distance between two property lines,
24 one being the property line of the proposed restaurant with alcohol which is closest to the existing use
25 to which the measurement pertains, and the other being the property line of that existing use which
26 is closest to the proposed restaurant with alcohol. The distance shall be measured in a straight line
27 without regard to intervening obstacles. For purposes of measurement, the term "property line" refers
28 to property lines of fee interest parcels and does not include the property line of:

- 1 a. Any leasehold parcel; or
- 2 b. Any parcel which lacks access to a public street or has no area for on-site parking and
- 3 which has been created so as to avoid the distance limitation described in Requirement 1.
- 4 3. In the case of a restaurant with alcohol proposed to be located on a parcel of at least 80 acres in
- 5 size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
- 6 a. From the nearest property line of the existing use to the nearest portion of the structure
- 7 in which the restaurant with alcohol will be located, without regard to intervening obstacles; or
- 8 b. In the case of a proposed restaurant with alcohol which will be located within a
- 9 shopping center or other multiple-tenant structure, from the nearest property line of the existing use
- 10 to the nearest property line of a leasehold or occupancy parcel in which the restaurant with alcohol will
- 11 be located, without regard to intervening obstacles.
- 12 4. When considering a Special Use Permit application for a restaurant with alcohol which also
- 13 requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into
- 14 consideration the distance policy and shall, as part of its recommendation to the City Council, state
- 15 whether the distance requirement should be waived and the reasons in support of the decision.
- 16 5. The minimum distance requirement in Requirement 1 does not apply to an establishment which
- 17 has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or
- 18 before July 1, 1992, or in connection with a resort hotel having in excess of 200 guest rooms after July
- 19 1, 1992.
- 20 6. The parcel or use is operated or controlled by an agency or subdivision of local, state or federal
- 21 government. (C-V only)
- 22 *7. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter
- 23 6.50.
- 24 **On-site Parking Requirement:** One space for each 50 square feet of public seating and waiting area
- 25 (including outdoor areas for seating and waiting), plus one space for each 200 square feet of the total
- 26 remaining gross floor area, with a minimum of ten spaces required.
- 27 SECTION 34: Title 19, Chapter 18, Section 20, is hereby amended by deleting in its
- 28 entirety the term "Supper Club" and its corresponding definition.

1 SECTION 35: Title 19, Chapter 18, Section 20, is hereby amended by adding, at the
2 appropriate location, the term “Restaurant with Alcohol” and its corresponding definition, reading as
3 follows:

4 **Restaurant with Alcohol.** A restaurant with alcoholic beverage sales in which:

- 5 1. The actual seating available at all times within the dining area will accommodate at least 100
6 persons. For purposes of this requirement, the “dining area” does not include bar stool seating at the
7 bar or lounge seating, but may include table or booth seating within the bar area and table seating
8 within a patio area;
- 9 2. Alcoholic beverages are served in the restaurant portion of the dining area only in conjunction
10 with the service of food;
- 11 3. Full-course meals are available during all hours the bar/lounge area is open to the public;
- 12 4. A cook and food server, other than a bartender, are available at all times the bar/lounge area is
13 open to the public; and
- 14 5. The restaurant operation is the principal portion of the business.

15 SECTION 36: Title 19, Chapter 18, Section 20, is hereby amended by amending the
16 definition of the term “Beer/Wine/Cooler On-Sale Establishment” to read as follows:

17 **Beer/Wine/Cooler On-Sale Establishment.** An establishment whose license to sell alcoholic
18 beverages is limited to [the sale of beer, wine and coolers for consumption only in connection with
19 a meal on the premises where the same is sold, and is operated in connection with a restaurant in
20 which thirty or more people may be served with meals at any one time at tables or stools.] the sale only
21 of beer, wine and coolers only for consumption on the premises of the following establishments and
22 pursuant to the following conditions:

23 1. A restaurant, only in connection with and during the consumption of a meal on
24 the premises of the restaurant and where such beverages are served by the licensee or an authorized
25 employee of the licensee. Such a license may be issued only in connection with a restaurant, and the
26 actual seating available at all times for the service of meals (whether at tables, counters or booths)
27 must accommodate at least thirty persons;

28 2. A museum or an art gallery and only during the hours of an exhibition,

1 presentation or performance and only when such beverages are consumed in an area of the museum
2 or art gallery that is segregated so as to be inaccessible to minors, except when a minor is accompanied
3 by his or her parent or legal guardian;

4 3. A hospital where service of beer, wine or coolers only is complimentary, in
5 conjunction with the birth of a child or similar special event; or

6 4. A licensed wedding chapel where one bottle is given on a complimentary basis
7 to a newly married couple by the wedding chapel.

8 SECTION 37: For purposes of Section 2.100(3) of the City Charter, Sections
9 19.12.010, 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

10 SECTION 38: The Department of Planning is authorized and directed to incorporate
11 into the Unified Development Code the amendments described in Sections 26 to 36, inclusive, of this
12 Ordinance.

13 SECTION 39: Title 6, Chapter 40, Section 140, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.40.140:** (A) Restricted gaming shall be limited to the following locations within the City
16 and limited in scope of operation as follows:

17 (1) Locations licensed for the sale of alcoholic beverages, other than a
18 tavern, [supper club] restaurant with alcohol or urban lounge, having less than five thousand square
19 feet of usable floor space shall be permitted to operate not more than seven slot machines;

20 (2) Locations licensed for the sale of alcoholic beverages, other than a
21 [supper club] restaurant with alcohol or urban lounge, having at least five thousand square feet of
22 usable floor space, and taverns, regardless of the amount of their usable floor space, shall be permitted
23 to operate not more than fifteen slot machines;

24 (3) Locations that are licensed as [supper clubs] restaurants with alcohol
25 may operate not more than five slot machines, but only if the slot machines are counter top or table
26 top video gaming devices that are located within the bar area of the business operation;

27 (4) Locations that are licensed as urban lounges may operate not more than
28 five slot machines;

1 (5) Locations not licensed for the sale of alcoholic beverages but for which
2 locations a special use permit for a general business-related gaming establishment is obtained in
3 accordance with LVMC Title 19, having less than five thousand square feet of usable floor space shall
4 be permitted to operate not more than four slot machines;

5 (6) Locations not licensed for the sale of alcoholic beverages but for which
6 locations a special use permit for a general business-related gaming establishment is obtained in
7 accordance with LVMC Title 19, having at least five thousand square feet of usable floor space shall
8 be permitted to operate not more than fifteen slot machines;

9 (7) Locations licensed to operate not more than fifteen slot machines prior
10 to February 6, 1991; provided, however, that a location with less than five thousand square feet of
11 usable floor space which has in excess of the number of slot machines permitted by Paragraphs (1)
12 and (5) of this Subsection (A) shall be limited to the operation of the number of slot machines licensed
13 for such location as of February 6, 1991.

14 (B) Nothing in Subsection (A) of this Section shall be deemed to prohibit the
15 imposition of a condition restricting the number of slot machines in connection with the approval of
16 a special use permit for the sale of alcoholic beverages.

17 SECTION 40: Title 6, Chapter 40, Section 150, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.40.150:** (A) No nonrestricted gaming shall be conducted, maintained or operated in the City
20 except:

21 (1) At a location which:
22 (a) On November 1, 1988, was licensed for nonrestricted gaming,
23 (b) Consists, or when the same is constructed will consist, of a
24 restaurant which has full kitchen facilities and is located within a freestanding building that contains
25 in excess of three thousand square feet of usable floor space under one roof and is separated along its
26 entire exterior perimeter from any other commercial establishment either by a property line or by an
27 unobstructed open area at least ten feet in width and with respect to which, on April 1, 1989, a tavern
28 license had been issued pursuant to LVMC [6.50.050] Chapter 6.50 or preliminary approval for a

1 tavern license had been granted pursuant to LVMC [6.06.050,] Chapter 6.50, as the case may be, and
2 an application for nonrestricted gaming had been filed with the State, or

3 (c) Consists of a licensed business premises that contains in excess
4 of nine thousand square feet of usable floor space under one roof within which the gaming is, at all
5 times, under the supervision of an attendant whose duties shall be limited solely to the making of
6 change and supervising such gaming and with respect to which, on April 1, 1989, an application for
7 nonrestricted gaming had been filed with the State; provided, however, that such gaming shall be
8 limited to the operation of not more than thirty-five slot machines exclusive of any other form of
9 gaming at any such location that, on April 1, 1989, was licensed for slot machines only;

10 (2) At a location which:

11 (a) Is situated within the area that is bounded by the east side of
12 Main Street, the south side of Stewart Avenue, the west side of Third Street, and the north side of
13 Carson Avenue, or

14 (b) Fronts on either side of Jackson Avenue between "D" Street and
15 "G" Street or on either side of Owens Avenue between "H" Street and Martin Luther King Boulevard
16 and with respect to which on April 1, 1989, an application for nonrestricted gaming had been filed
17 with the State;

18 (3) At a resort hotel which has in excess of two hundred guestrooms that
19 are available to the public. The provisions of this Paragraph do not apply to those hotel establishments
20 holding a nonrestricted gaming license issued before July 1, 1992, unless the establishment ceases
21 gaming operations for more than two years after July 1, 1992;

22 (4) At a location with respect to which a tavern license has been applied for
23 or issued pursuant to LVMC [6.50.050] Chapter 6.50 prior to July 1, 1992; provided, however, that
24 such gaming shall be limited to the operation of not more than twenty slot machines exclusive of any
25 other form of gaming; or

26 (5) At a retail outlet that contains at least five thousand square feet of usable
27 floor space and with respect to which a nonrestricted gaming license had been applied for prior to
28 July 1, 1992, and with respect to which a special use permit for a general business related gaming

1 establishment, as that term is defined in LVMC [19.04.417,] Chapter 19.18, is obtained in accordance
2 with LVMC Title 19; provided, however, that a retail outlet not issued a special use permit prior to
3 July 1, 1992, must have applied for the same within ninety (90) days after it filed for a nonrestricted
4 gaming license, and further provided that such gaming shall be limited to the operation of not more
5 than twenty slot machines exclusive of any other form of gaming.

6 (6) At a location which a race book or sports pool gaming license has been
7 issued; provided, however, that a race book or sports pool gaming license shall only be issued to resort
8 hotels or to locations that are within a gaming enterprise district and that have been previously issued
9 for gaming other than slot machines. The provisions of this Paragraph shall apply to all applications
10 for a race book or sports pool gaming license filed with the City on or after July 1, 1992.

11 (B) Notwithstanding anything to the contrary that is provided in, or may be implied
12 from, Subsection (A) of this Section or Title 19 of this Code, effective January 1, 1990, no
13 nonrestricted gaming shall be conducted, maintained or operated on any parcel of land within the City
14 unless:

15 (1) As of that date a gaming establishment is operating on that parcel
16 pursuant to a nonrestricted license;

17 (2) The parcel is zoned for resort and gaming purposes or the zoning of the
18 parcel for such purposes has been approved by the adoption by the City Council of a resolution of
19 intent pursuant to LVMC 19.92.120;

20 (3) The parcel is zoned for resort and gaming purposes and an application
21 for aesthetic review with respect to the establishment that is proposed to be operated thereon had been
22 filed prior to October 5, 1988; provided, however, that the exception that is provided for in this
23 Paragraph (3) applies to the parcel only if it is developed by the person on whose behalf such
24 application was filed; or

25 (4) The parcel is located within an area that has been designated as a
26 gaming enterprise district established pursuant to LVMC 6.40.160.

27 (C) Except as otherwise provided in LVMC [6.40.160(E),] 6.40.160(C), the
28 inclusion of a parcel within a gaming enterprise district established pursuant to LVMC 6.40.160 does

1 not diminish the applicability of the provisions of Title 19 of this Code to that parcel.

2 SECTION 41: Title 10, Chapter 76, Section 10, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **10.76.010:** (A) At any of the following locations, it is unlawful for any person to drink an
5 alcoholic beverage or to possess an open container of alcoholic beverage which was purchased in an
6 original sealed or corked container:

7 (1) Upon any premises, including the parking lot, of an establishment which
8 is licensed [~~only for the off-sale or the on-off-sale of alcoholic beverages;~~] to sell alcoholic beverages
9 on an off-sale basis;

10 (2) Upon property, other than residential property, located within one
11 thousand feet of an establishment which is licensed [~~for off-sale or on-off-sale;~~] to sell alcoholic
12 beverages on an off-sale basis; or

13 (3) Upon property, other than residential property or property designated
14 in time-limited special event licenses issued pursuant to LVMC Chapter 6.50, located within one
15 thousand feet of a church, synagogue, public or private school, hospital, special care facility,
16 withdrawal management facility or homeless shelter.

17 (B) The distances referred to in Subsection (A) shall be determined with reference
18 to the shortest distance between the point of consumption or possession of an open container of
19 alcoholic beverage and the nearest portion of any of the designated structures without regard to
20 intervening obstacles.

21 (C) For purposes of this Section, “off-sale basis” means the sale of alcoholic
22 beverages in original sealed or corked containers for consumption off the premises where the same
23 are sold.

24 SECTION 42: Of necessity, nothing in the amendatory provisions of this Ordinance
25 shall diminish or be deemed to diminish the applicability of State law and regulations governing the
26 sale and distribution of alcoholic beverages.

27 SECTION 43: If any section, subsection, subdivision, paragraph, sentence, clause or
28 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 44: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 45: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this day of , 2013.

APPROVED:

By
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steel 7-24-13
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

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By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 20, 2013

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-37 - For Possible Action - Updates the City's regulations regarding obstructions or encroachments within City rights-of-way. Proposed by: Christopher Knight, Director of Building and Safety

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's regulations regarding obstructions or encroachments within City rights-of-way. The bill adjusts the process and standards for obtaining approval of obstructions or encroachments so as to be consistent with current needs and practices.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2013-37

BILL NO. 2013-37

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S REGULATIONS REGARDING OBSTRUCTIONS OR ENCROACHMENTS WITHIN CITY RIGHTS-OF-WAY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Christopher Knight, Director of Building and Safety

Summary: Updates the City's regulations regarding obstructions or encroachments within City rights-of-way.

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

SECTION 1: Title 13, Chapter 32, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.32.020: [It shall be unlawful for any person to build, erect, construct, place or maintain any porch, steps, fence, wall or other obstruction whatsoever in, on or over any of the streets, sidewalks or public alleys of the City, except by special permission obtained from the Building Inspector. Each day any such obstruction is allowed to remain after ten days' notice by the Sheriff to remove the same, or maintain a sidewalk entrance, as herein provided, shall constitute a separate offense.]

(A) Except as otherwise provided in this Section or another provision of this Code, it is unlawful for any person to erect, place or maintain any obstruction, or to cause or permit any obstruction to encroach within, upon, or over any public right-of-way, including any public street, public sidewalk, or public alley. Each day any unauthorized obstruction is allowed to remain after ten days' notice to remove the obstruction shall constitute a separate offense. Such notice may be provided by:

(1) Any officer of the Las Vegas Metropolitan Police Department;

(2) Any officer or employee of the Department of Building and Safety or the Department of Public Works; or

(3) Any other officer or employee of the City who has been specifically authorized to enforce this Section.

(B) An obstruction otherwise prohibited by Subsection (A) may be permitted by means of an encroachment agreement approved by the City in accordance with this Section. The

1 agreement must be in a form prepared by, or otherwise acceptable, to the City. Approval by the City
2 of an encroachment agreement:

3 (1) Is entirely within the City's discretion;

4 (2) Is contingent upon a determination by the Director of Public Works (or
5 designee) that the obstruction or encroachment can be accomplished without negatively impacting
6 traffic, public safety, pedestrian safety, or the use of and access to utility facilities; and

7 (3) May be denied based on plans for future improvements to the affected
8 right-of-way, street, sidewalk or alley.

9 (C) An encroachment agreement under this Section:

10 (1) May include conditions reasonably calculated to mitigate any impact,
11 including without limitation a time limit, provisions regarding ongoing maintenance, and appropriate
12 remedial measures; and

13 (2) May be required to be recorded against property that is benefitted by the
14 agreement.

15 (D) Except as otherwise provided in Subsections (E) and (F), the approval authority
16 for an encroachment agreement under this Section shall be the Director of Building and Safety (or
17 designee). Typical items qualifying under this Subsection (D) include:

18 (1) Encroachments related to a Site Development Plan Review under Title
19 19;

20 (2) Encroachments for monitoring wells;

21 (3) Encroachments necessary for compliance with a building-related code;
22 and

23 (4) Other minor encroachments related to signage, outdoor dining,
24 landscaping, fencing, and similar minor intrusions into public right-of-way.

25 (E) The approval authority for the following items shall be the City Council:

26 (1) Encroachments which, in the judgment of the Director of Building and
27 Safety (or designee), are of a significant nature, character or size so as to warrant consideration by the
28 City Council; and

1 (2) Encroachments concerning which a member of the City Council, prior
2 to administrative approval of an agreement pursuant to Subsection (D), has requested that the
3 encroachment be considered by the City Council.

4 (F) In the case of encroachment agreements to be forwarded to the City Council
5 for consideration pursuant to Subsection (E), the Director of Building and Safety (or designee) shall
6 schedule the encroachment agreement for Council consideration at the next regular meeting of the City
7 Council that is reasonably available.

8 (G) If the Director of Building and Safety (or designee) denies administrative
9 approval of an encroachment agreement pursuant to Subsection (D), the person seeking encroachment
10 approval may appeal the decision to the City Council within ten days after the denial decision is made.
11 The appeal shall be in writing, shall be filed with the Director or designee, and shall state the factual
12 basis for the appeal. The Director or designee shall schedule the matter for consideration by the City
13 Council within thirty days following receipt of the appeal. The decision by the City Council shall be
14 final.

15 (H) Encroachment agreements approved administratively pursuant to Subsection
16 (D) shall be signed by the Director of Building and Safety (or designee). Agreements approved by the
17 City Council shall be signed by the Mayor.

18 (I) Nothing in this Section shall apply to obstructions or improvements installed:
19 (1) By or on behalf of the City; or
20 (2) By another governmental agency acting in accordance with an interlocal
21 or cooperative agreement with the City, if the Director of Building and Safety determines that the
22 provisions of that agreement are an adequate substitute for the requirements of this Section.

23 (J) For purposes of this Section:
24 (1) “Encroachment agreement” includes any agreement, however named,
25 that by its terms authorizes an encroachment or obstruction.
26 (2) “Obstruction” means a structure, installation, amenity or improvement
27 of any kind.

28 SECTION 2: 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 3: Whenever in this ordinance any act is prohibited or is made or declared
9 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
10 required or the failure to do any act is made or declared to be unlawful or an offense or a
11 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
12 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
13 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
14 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

15 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
16 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
17 1983 Edition, in conflict herewith are hereby repealed.

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

19 APPROVED:

20
21 By CAROLYN G. GOODMAN, Mayor

22 ATTEST:

23 BEVERLY K. BRIDGES, MMC
24 City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 7-24-13
27 Date
28

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

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APPROVED:

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By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, MMC
City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 20, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 20, 2013

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

