

BILL NO. 2013-58

ORDINANCE NO. _____

AN ORDINANCE ENACTING A MORATORIUM ON CERTAIN LAND USE ENTITLEMENT APPLICATIONS AND BUSINESS LICENSE APPLICATIONS WHICH PERMIT THE SALE OF SEALED OR CLOSED CONTAINERS OF ALCOHOL UPON THE PEDESTRIAN MALL LOCATED ON FREMONT STREET BETWEEN MAIN STREET AND LAS VEGAS BOULEVARD FOR A PERIOD OF 180 DAYS.

Sponsored by: Mayor Carolyn Goodman

Summary: This ordinance acts to enact a moratorium on certain land use entitlement applications and business license applications which permit the sale of sealed or closed containers of alcohol upon the pedestrian mall located on Fremont Street between Main Street and Las Vegas Boulevard for a period of 180 days.

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

SECTION 1: A MORATORIUM IS HEREBY DECLARED ON THE ACCEPTANCE OR CONSIDERATION OF THE FOLLOWING TITLE NINETEEN LAND USE APPLICATIONS FOR THE FOLLOWING USES ON, UPON OR ADJACENT TO THE PEDESTRIAN MALL¹:

- 1) Liquor Establishment (Tavern) which does not include a request for a condition restricting the proposed establishment from the sale of alcoholic beverages on an off-sale basis;
- 2) Package Liquor Off-Sale Establishment;
- 3) Retail Establishment with Accessory Package Liquor Off-Sale;
- 4) Beer/Wine/Cooler Off-Sale Establishment; and
- 5) Beer/Wine/Cooler On- and Off-Sale Establishment.

SECTION 2: A MORATORIUM IS HEREBY DECLARED ON THE ACCEPTANCE OR CONSIDERATION OF THE FOLLOWING TITLE SIX ALCOHOL BEVERAGE LICENSE APPLICATIONS FOR USE AT ESTABLISHMENTS ON, UPON OR ADJACENT TO THE

¹The Pedestrian Mall is specifically described by LVMC 11.68.040, and is generally known to be an area on Fremont Street between Main Street and Las Vegas Boulevard.

1 PEDESTRIAN MALL:

- 2 1) Tavern license which does not include a request for a condition restricting the proposed
3 establishment from the sale of alcoholic beverages on an off-sale basis;
- 4 2) Package license; and
- 5 3) Beer/Wine/Cooler Off-Sale license.

6 SECTION 3: DURING THE PENDENCY OF THIS MORATORIUM, THE CITY
7 MANAGER SHALL NOT ACCEPT NOR PROCESS ANY OF THE ABOVE-LISTED LAND USE
8 ENTITLEMENT APPLICATIONS OR ALCOHOLIC BEVERAGE LICENSE APPLICATIONS.

9 SECTION 4: THIS MORATORIUM SHALL COMMENCE UPON THE ADOPTION
10 OF THIS ORDINANCE BY THE CITY COUNCIL, AND SHALL TERMINATE AT THE CLOSE OF
11 BUSINESS ONE HUNDRED EIGHTY CALENDAR DAYS FROM DATE OF COMMENCEMENT OF
12 THE MORATORIUM, UNLESS: 1) EARLIER TERMINATED BY THE CITY COUNCIL; OR 2) AN
13 EXTENSION OF THIS MORATORIUM IS APPROVED BY THE CITY COUNCIL AT A PUBLIC
14 MEETING. ONE EXTENSION OF A PERIOD OF NO GREATER THAN ONE HUNDRED EIGHTY
15 DAYS IS CONTEMPLATED BY THIS ORDINANCE AND APPROVAL OF SUCH EXTENSION
16 MAY BE CONSIDERED BY A SIMPLE MAJORITY VOTE, WITHOUT THE NEED FOR ADOPTING
17 A NEW ORDINANCE.

18 SECTION 5: The City Council of the City of Las Vegas declares this moratorium for the
19 following reasons:

20 (A) the City of Las Vegas ("City") is experiencing a true renaissance in its downtown
21 core, spurred by an ongoing and lasting redevelopment program and private sector investment in and
22 around the existing Pedestrian Mall;

23 (B) the City can attest to an increased number of visitors to the Pedestrian Mall and the
24 other revitalized areas of the downtown core in and around the Pedestrian Mall due to such redevelopment
25 efforts and private sector investment;

26 (C) the City desires that out-of area tourists and local visitors completely enjoy the

1 experiences provided by the Pedestrian Mall and the other revitalized areas of the downtown core,
2 including the many restaurants, taverns, casinos, live music venues and any of the other experiences
3 available on and around the Pedestrian Mall;

4 (D) the Pedestrian Mall is located generally upon Fremont Street, it is approximately 5
5 blocks in length between Main Street and Las Vegas Boulevard, and it is partially enclosed by a canopy
6 that provides a LED light show after dark to enter attract and retain local visitors and out-of-area tourists.
7 The Pedestrian Mall is closed to vehicular traffic, except for two streets allow for cross-traffic, Casino
8 Center Drive and Fourth Street;

9 (E) in addition to the thousands of daily visitors walking up and down the Pedestrian
10 Mall, one will find, on or immediately adjacent to the mall the following attractions: casinos, restaurants,
11 freestanding taverns, stages for music performances, bars attached to casinos operated by casinos, kiosks
12 selling merchandise, buskers and others panhandling from visitors, souvenir shops selling closed containers
13 of hard alcohol, beer and wine, souvenir shops that do not sell alcohol and numerous package liquor stores;

14 (F) the City Council for the City of Las Vegas is the governing body responsible for
15 approving land use entitlements for alcohol uses and liquor licenses authorizing the sale of alcohol upon the
16 Pedestrian Mall;

17 (G) there are currently twenty-eight existing land use entitlements that permit the sale
18 of closed containers of hard alcohol, beer and wine on, upon or adjacent to the Pedestrian Mall;

19 (H) there are currently twenty-one existing liquor licenses that permit the sale of closed
20 containers of hard alcohol, beer and wine on, upon or adjacent to the Pedestrian Mall;

21 (I) there is great concern by members of the City Council, City staff, as well as the
22 Metropolitan Police Department, that based upon the number of locations that are authorized to sell closed
23 containers hard alcohol, beer and wine which allow for unsupervised consumption of these alcoholic
24 beverages upon the Pedestrian Mall, there may be an over-saturation of these establishments upon the mall;

25 (J) the City Council is concerned that there might be negative secondary effects that
26 may be attributed to the over-saturation of establishments that sell hard alcohol, beer and wine in closed

1 containers for unsupervised consumption upon the Pedestrian Mall, and these negative effects could have a
2 negative impact the growing numbers of local visitors and out-of-area tourists that visit the revitalized
3 downtown core;

4 (K) based upon these concerns, the City Council desires to take a responsible amount
5 of time to study this issue and thoughtfully consider the policy and legal implications of permitting further
6 land use entitlements and issuing additional liquor licenses that permit the sale of closed containers of
7 alcohol upon the Pedestrian Mall.

8 (L) the City Council desires to declare this moratorium as provided in Sections 1
9 through 4 above, to restrict the City Manager from accepting certain land use applications and alcoholic
10 beverage license applications for establishments on, upon or adjacent to the Pedestrian Mall for a period of
11 180 days from the date this moratorium is adopted, in order to permit the City to study the whether an
12 increase in the number of establishments that sell hard alcohol, beer and wine in closed containers for
13 unsupervised consumption upon the Pedestrian Mall would cause negative secondary effects and be a
14 detriment to the experience of the Pedestrian Mall for out-of-area tourists, local visitors and the people that
15 work in, on or around the Pedestrian Mall.

16 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
20 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
21 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
22 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

23 ...

24 ...

25 ...

26 ...

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

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2013.

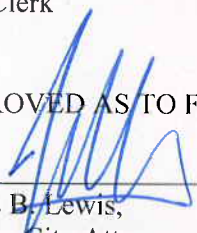
5 APPROVED:

6
7 By _____
CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BEVERLY K. BRIDGES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 
13 James B. Lewis,
Deputy City Attorney

10/28/13
Date

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

7 VOTING "AYE": _____

8 VOTING "NAY": _____

9 ABSENT: _____

10 APPROVED:

11 By _____
12 CAROLYN G. GOODMAN, Mayor

13 ATTEST:

14 _____
15 BEVERLY K. BRIDGES, MMC
16 City Clerk
17
18
19
20
21
22
23
24
25
26