

BILL NO. 2014-34

ORDINANCE NO. _____

AN ORDINANCE AMENDING LVMC 6.02 TO INCREASE CIVIL PENALTIES FOR VIOLATIONS OF LVMC 6.50 AND CLARIFYING THAT THE DIRECTOR MAY SUSPEND AN ALCOHOLIC BEVERAGE LICENSE ON AN ADMINISTRATIVE BASIS UNDER CERTAIN CIRCUMSTANCES, ADDING A NEW CONDITION TO LVMC 6.50 TO CLARIFY THAT A LICENSEE'S VIOLATION, OR KNOWINGLY PERMITTING AN EMPLOYEE TO VIOLATE A CONDITION OF AN ALCOHOLIC BEVERAGE LICENSE IS A MISDEMEANOR, AND CREATING A ZONE IN THE DOWNTOWN AREA WHERE THE POSSESSION OF GLASS OR METAL CONTAINERS FOR THE CONSUMPTION OF BEVERAGES IS PROHIBITED AND THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN ITS ORIGINAL PACKAGING IS PROHIBITED, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford Jerbic, City Attorney

Summary: Updates various sections of LVMC Title 6 to increase civil penalties for violations of LVMC 6.50, clarifying that the Director may suspend an alcoholic beverage license on an administrative basis under certain circumstances, adding a new condition to LVMC 6.50 to clarify that a licensee's violation, or knowingly permitting an employee to violate a condition of an alcoholic beverage license is a misdemeanor, and creating a zone in the downtown area where the possession of glass or metal containers for the consumption of beverages is prohibited and the consumption of alcoholic beverages in its original packaging is prohibited.

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

SECTION 1: Title 6, Chapter 2, Section 460, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.02.460: (A) Except as otherwise provided in (B), [T]the civil fines for violations that are processed under the provisions of LVMC 6.02.390 to 6.02.460, inclusive, are as follows:

(1) For a first offense, two hundred fifty dollars.

(2) For a subsequent offense, five hundred dollars.

(B) The civil fine for violations processed under the provisions of LVMC 6.02.390 to 6.02.460, inclusive, for violations of any provision of LVMC 6.50 is five hundred dollars for each offense.

1 [B](C) In connection with any violation sustained or confirmed by judgment of a Hearing
2 Officer, a separate fine may be assessed for each day the violation occurred or continued to the extent the
3 violation on that day was alleged in the Notice of Violation.

4 SECTION 2: Title 6, Chapter 50 of the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, is hereby amended by adding thereto a new Section 530, reading:

6 **6.50.530:** It is unlawful for a licensee to violate any condition of an alcoholic beverage license and
7 unlawful for a licensee to knowingly permit an employee of the licensee to violate any condition of an
8 alcohol beverage license.

9 SECTION 3: Title 6, Chapter 2 of the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, is hereby amended by adding thereto a new Section 361, reading:

11 **6.02.361:** (A) If a licensee is convicted in criminal court for any three violations of LVMC 6.50
12 or a licensee is found liable to the City for three violations of LVMC 6.50 pursuant to the provisions at
13 LVMC 6.02.390-LVMC 6.02.460 within any twelve month period, the Director may take one or more of
14 the following actions:

15 (1) require the licensee to appear before the City Council for disciplinary
16 action pursuant to the provisions at LVMC 6.03.330-LVMC 6.03.360;

17 (2) immediately suspend the alcoholic beverage license of the licensee until
18 such time as the licensee appeals the suspension pursuant to the provisions of LVMC 6.02.110. If the
19 Director suspends the alcoholic beverage license of the licensee, the Director shall, prior to the suspension
20 of such license, provide a written statement to the licensee informing the licensee of the grounds upon
21 which the suspension is initiated, the time period for which the suspension is effective and a copy of
22 LVMC 6.02.110 indicating the licensee's right to appeal.

23 (B) This provision shall not limit the Director or City Council's ability to bring any
24 licensee forward for discipline at any time.

25 SECTION 4: Title 10, Chapter 77, Section 30, of the Municipal Code of the City of Las
26 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **10.77.030:** [The provisions of Paragraph (3) of Subsection (B) of Section 10.77.020 do not apply to any
2 special event that takes place within the boundaries of the Pedestrian Mall described in LVMC 11.68.040.]

3 (A) Within that discrete area bounded by Stewart Street, Eighth Street, Bridger Street
4 and the Union Pacific Railroad right of way located directly west of Main Street, it is unlawful for a person
5 to be on public property in possession of any glass or metal container which is fit or intended for beverage
6 purposes.

7 (B) Within the discrete area described above, it is unlawful for a person to consume
8 any alcoholic beverage in its original packaging on public property, whether sidewalks, right-of-way,
9 buildings, the Pedestrian Mall described in LVMC 11.68.040 or otherwise.

10 (C) For purposes of this section, the streets identified above as boundary lines include
11 the entire street right-of-way and sidewalks on both sides of the street.

12 SECTION 5: Title 10, Chapter 76, Section 20, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **10.76.020:** [(A)] For any special event that will take place on New Years Eve, the fourth of July or
15 at any other time at which more than one thousand spectators or participants are expected to attend, it is
16 unlawful for any person to possess or consume an alcoholic beverage in any glass or metal container during
17 any of the following times if the producer or promoter has complied with the provisions of Subsection (B)
18 of Section 6.78.045:

19 [(1)] (A) Between the hours of 6:00 P.M. on December 31st and 6:00 A.M. on January 1st
20 of each year.

21 [(2)] (B) Between the hours of 6:00 P.M. on July 4th and 6:00 A.M. on July 5th of each
22 year.

23 [(3)] (C) During the period of time beginning two hours before the start of the special event
24 and ending two hours after the special event is over.

25 [(B) The provisions of Paragraph (3) of Subsection (A) of this Section do not apply to
26 any special event that takes place within the boundaries of the Pedestrian Mall described in LVMC

1 11.68.040.]

2 SECTION 6: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.68.100:** (A) The following are prohibited within the Pedestrian Mall:

- 5 (1) Parades;
- 6 (2) Sleeping or camping;
- 7 (3) Littering;
- 8 (4) Sexually oriented businesses as described in Section 19.04.040;
- 9 [(5) Glass and metal beverage containers including, but not limited to, bottles,
10 jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on
11 December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;]

12 [6](5) Feeding birds; and

13 [7](6) Solicitation by coercion, as defined in Section 10.44.010.

14 (B) The following are prohibited within the Pedestrian Mall, except under the
15 conditions stated:

16 (1) Animals, unless used in connection with a mall activity authorized by The
17 Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or
18 aurally impaired;

19 (2) Mall vending, special events or other commercial activities, unless such
20 activities are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

21 (3) The use of unicycles, bicycles and other types of cycles, skateboards, roller
22 skates, in-line skates, hula hoops larger than four feet in diameter, and shopping carts, except as authorized
23 by The Fremont Street Experience Limited Liability Company in connection with special events and mall
24 entertainment;

25 (4) The placement of any table, rack, chair, box, cloth, stand, booth, container,
26 structure or other object within the Pedestrian Mall, except:

1 (a) As conducted by or on behalf of The Fremont Street Experience
2 Limited Liability Company; or

3 (b) As specifically permitted under Sections 11.68.105 and 11.68.107;

4 (5) Amplified sound which originates from within the Pedestrian Mall or from
5 properties or businesses abutting the boundaries of the Pedestrian Mall, except where conducted by or on
6 behalf of The Fremont Street Experience Limited Liability Company or as permitted under Section
7 11.68.107;

8 (6) The launching or throwing of projectiles or other objects into or through
9 the air, except in connection with events that are conducted by or on behalf of The Fremont Street
10 Experience Limited Liability Company or are permitted pursuant to Section 11.68.107;

11 (7) Entertainment and related services for which a fee is charged, either before
12 or after the entertainment and related services are performed, except in connection with events that are
13 conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

14 (8) The distribution of food, beverage or tobacco items, except in connection
15 with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability
16 Company; or

17 (9) Commercial photography, filming or videotaping, except in connection
18 with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability
19 Company.

20 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or
21 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
22 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
24 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
25 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
26 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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

11 PASSED, ADOPTED and APPROVED this ____ day of _____, 2014.

12 APPROVED:

13
14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk

18 APPROVED AS TO FORM:

19  _____
20 James B. Lewis,
Deputy City Attorney

5/12/14
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2014, and referred to a committee for recommendation, the committee
3 being composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2014, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, MMC
City Clerk

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