

1 **BILL NO. 2011-6**

2 **ORDINANCE NO. 6134**

3 AN ORDINANCE TO PROVIDE THAT THE CITY'S REGULATIONS PERTAINING TO  
4 ALCOHOLIC BEVERAGES DO NOT PROHIBIT A MINOR FROM ENTERING OR REMAINING  
5 IN A LIQUOR STORE WITH A PACKAGE LICENSE AS LONG AS THE MINOR IS  
CONTINUOUSLY ACCOMPANIED BY THE MINOR'S PARENT OR LEGAL GUARDIAN, AND  
TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Steve Wolfson

Summary: Provides that the City's regulations  
pertaining to alcoholic beverages do not prohibit  
a minor from entering or remaining in a liquor  
store with a package license as long as the minor  
is continuously accompanied by the minor's  
parent or legal guardian.

7  
8  
9  
10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
11 AS FOLLOWS:

12 SECTION 1: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of  
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.50.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be  
15 liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following  
16 words shall have the meaning ascribed to them as follows:

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

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

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

27 "Banquet or event establishment" means any establishment which is rented by individuals or  
28 groups to accommodate private or public events. Such establishment may or may not include:

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

2           (2)     Outdoor gardens or reception facilities.

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

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

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

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

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

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

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

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

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

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

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

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

28          “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate

1 obtained from the fermentation of the natural contents of fruits or other agricultural products  
2 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

3 "Downtown entertainment overlay district" means that area of the City bounded by Ogden  
4 Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street  
5 on the east.

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

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

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

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

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

26 "Grocery store" means a business establishment which occupies all of the business premises  
27 of a building or a portion of the business premises of a building which is segregated physically or  
28 spatially from the rest of the business premises, and which contains more than five thousand square

1 feet of floor space for the display and sale of groceries and alcoholic beverages, exclusive of  
2 warehouse and office space. The term does not include an establishment in which more than thirty  
3 percent of the physical retail inventory on the establishment premises consists of alcoholic beverages.

4 "Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages  
5 are sold for consumption in specified areas only.

6 "Key employee" means an employee designated by a business licensee to oversee the  
7 operations of the business in the absence of the licensee.

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

11 "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any  
12 name or description, brewed or produced from malt, wholly or in part.

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

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

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

- 21 (1) Is organized or qualified to do business and operate under the laws of the State;
- 22 (2) Has tax-exempt status granted by the United States Internal Revenue Service;
- 23 (3) Maintains a membership of at least one hundred active members who are  
24 residents of Southern Nevada, who are twenty-one years of age or older and who pay dues to the  
25 nonprofit corporation, association, or organization;
- 26 (4) Operates a clubhouse, clubroom or meeting room in a permanent location which  
27 it owns or leases; and
- 28 (5) Maintains a sign-in log that each member and the member's guests must sign

1 upon entering the club house, clubroom or meeting room operated by the club.

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

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

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

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

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

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

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

27 "Specialty merchandise store" means a retail store located within a commercial center that:

28 (1) Has at least eighteen thousand square feet of gross floor area;

1 (2) Has at least eleven thousand five hundred square feet of floor space dedicated  
2 to the sale and display of furniture, glassware, kitchenware and other household goods;

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

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

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

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

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

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

17 SECTION 2: Title 6, Chapter 50, Section 170, of the Municipal Code of the City of  
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.50.170:** (A) A package license authorizes the sale, to consumers only and not for resale, of  
20 alcoholic beverages, in original sealed or corked containers, for consumption off the premises where  
21 the same are sold. [; however, on-premises wine, beer, cordial and liqueur tasting is permitted at a  
22 liquor store] In addition, a liquor store that holds a package license may provide on-premises wine,  
23 beer, cordial and liqueur tasting, but only if the licensee also holds a wine, beer, cordial and liqueur  
24 tasting license for that location.

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

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

11 PASSED, ADOPTED and APPROVED this 2<sup>nd</sup> day of MARCH, 2011.

12 APPROVED:

13 By   
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16   
17 BEVERLY K. BRIDGES, MMC  
City Clerk

18 APPROVED AS TO FORM:

19 Val Steel 1-19-11  
20 Date

21  
22  
23  
24  
25  
26  
27  
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council  
2 on the 19<sup>th</sup> day of January, 2011, and referred to a committee for recommendation;  
3 thereafter the committee reported favorably on said ordinance on the 2<sup>nd</sup> day of February,  
4 2011, which as a regular meeting of said Council; that at said regular meeting, the  
5 proposed ordinance was read by title to the City Council as first introduced and adopted by  
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian,  
8 Barlow and Anthony


9 VOTING "NAY": None

10 EXCUSED: Councilmember Ross

11  
12 APPROVED:

13   
14 \_\_\_\_\_  
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17   
18 \_\_\_\_\_  
19 BEVERLY K. BRIDGES, MMC City Clerk  
20  
21  
22  
23  
24  
25  
26

**BUSINESS IMPACT STATEMENT  
BILL NO. 2011-6**

**(Provides that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-6 , that would provide that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian.

**1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Not applicable

**2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

**Adverse effects:**

None identified

**Beneficial effects:**

Additional shopping option for customers

**Direct effects:**

See beneficial effects above

**Indirect effects:**

None identified

**3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:**

Not applicable

**4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:**

No additional cost

**5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:**

Not applicable

**6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:**

Not applicable

**7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:**

Not applicable

Date: January 19, 2011

AFFP DISTRICT COURT  
Clark County, Nevada

RECEIVED  
CITY CLERK

AFFIDAVIT OF PUBLICATION

2011 FEB 28 A 11: 38

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 6993288

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/17/2011 to 02/17/2011, on the following days:

02/17/2011

BILL NO. 2011-6

AN ORDINANCE TO PROVIDE THAT THE CITY'S REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES DO NOT PROHIBIT A MINOR FROM ENTERING OR REMAINING IN A LIQUOR STORE WITH A PACKAGE LICENSE AS LONG AS THE MINOR IS CONTINUOUSLY ACCOMPANIED BY THE MINOR'S PARENT OR LEGAL GUARDIAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson  
Summary: Provides that the City's regulations pertaining to alcoholic beverages do not prohibit a minor from entering or remaining in a liquor store with a package license as long as the minor is continuously accompanied by the minor's parent or legal guardian.

At the City Council meeting of FEBRUARY 2, 2011  
BILL NO. 2011-6 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE


COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA

PUB: February 17, 2011  
LV Review Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE  
17th day of Feb., 2011.

Emily Gonzalez  
Notary Public



EMILY GONZALEZ  
Notary Public State of Nevada  
No. 09-8940-1  
My appt. exp. Nov. 13, 2012

