

FIRST AMENDMENT

BILL NO. 79-87

ORDINANCE NO. 2057

AN ORDINANCE RELATING TO LIQUOR CONTROL; REQUIRING PERSONS WHO HAVE A SIGNIFICANT INFLUENCE OVER THE OPERATIONS OF A LIQUOR BUSINESS TO BE LICENSED OR APPROVED FOR SUITABILITY UNDER THE LICENSE OF SUCH BUSINESS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored By: Commissioner Al Levy Summary: Requires persons who have a significant influence over the operations of a liquor business to be licensed.

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title V, Chapter 18, Section 6, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition is hereby amended to read as follows:

5-18-6: INVESTIGATION: Every person filing an application for a license in the City required by this Chapter shall concurrently therewith deposit with the Department of Business Activity an investigation fee based on the following schedule:

(A) For each beer or beverage license, the sum of [twenty-five] fifty dollars [(\$25.00)] (\$50.00) plus an additional sum of [twenty-five] fifty dollars [(\$25.00)] (\$50.00) for each [additional] person over one required to be [licensed] investigated.

(B) For all other alcoholic liquor licenses, the sum of one hundred fifty dollars (\$150.00), plus an additional sum of [twenty-five] fifty dollars [(\$25.00)] (\$50.00) for each [additional] person over one required to be [licensed] investigated.

[(C) In the event any person shall be an applicant or

1 member of a group of applicants, and such person  
2 shall have been previously investigated by the  
3 City and shall have held a license within a pre-  
4 ceding period of one year, no investigation fee  
5 shall be required.

6 (D) In the event the applicant shall be a partnership  
7 or association each person having an interest  
8 therein and each officer, and the local represen-  
9 tative or managing agent, whether or not appearing  
10 on the license, shall be investigated and the fee  
11 for such investigation shall be fifty dollars  
12 (\$50.00) per person; provided, however, that in  
13 the discretion of the Board of City Commissioners  
14 the investigation and the investigation fee there-  
15 for may be waived with respect to any limited  
16 partners, only, of any limited partnership, not  
17 residing in the State of Nevada and not exercising  
18 management control over the applicant(s)' local  
19 operations.

20 In the event the applicant shall be a corporation,  
21 each officer and director therefor, and each stock-  
22 holder owning ten percent (10%) or more of the  
23 corporation's common stock, and the local represen-  
24 tative or managing director, whether or not appear-  
25 ing on the license, shall be investigated and the  
26 fee for such investigation shall be fifty dollars  
27 (\$50.00) per person; provided, however, that in  
28 the discretion of the Board of City Commissioners  
29 the investigation and the investigation fee  
30 therefor may be waived with respect to the dir-  
31 ectors, officers, or stockholders, only, of any  
32 such corporation, not residing in the State of

1 Nevada and not exercising management control over  
2 the applicant(s)' local operations.]

3 [(E)] (C) In the event an application [shall] disclose  
4 that the financing of the applicant or members  
5 thereof [,shall have] has been furnished by any  
6 other person or persons, [then] such lender or  
7 lenders shall be investigated[, ] at a fee of one  
8 hundred fifty dollars (\$150.00) per person.

9 [(F)] (D) No investigations shall be made of any of the  
10 foregoing persons prior to the payment by the  
11 applicant of such fee to the Department of  
12 Business Activity of the City and no application  
13 shall be considered until all such fees are paid.

14 SECTION 2: Title V, Chapter 18, of the Municipal Code  
15 of the City of Las Vegas, Nevada, 1960 Edition is hereby amended  
16 to add a new section, to be designated as Section 6.5, reading  
17 as follows:

18 5-18-6.5 (A) Each owner, officer, director or partner in any  
19 new business concerning the sale or other distribu-  
20 tion of alcoholic liquor must, before such business  
21 commences operation, be licensed or approved for  
22 suitability under the license by the Board of  
23 Commissioners upon application and investigation,  
24 and each owner, officer, director or partner in  
25 any existing business concerning the sale or other  
26 distribution of alcoholic liquor must, before his  
27 becoming such owner, officer, director or partner  
28 shall be effective, make application to said Board  
29 for such licensing or approval for suitability and  
30 be licensed or approved for suitability by said  
31 Board; provided, however, that:

32 (1) A person who has previously been investi-  
gated by the City, either in connection

1 with an application for licensing under  
2 this Chapter 18 or in connection with  
3 the application by a major casino, as  
4 defined in Section 5-18-2(W), for licen-  
5 sing under Chapter 17 of this Title V,  
6 was issued such license or approved for  
7 suitability thereunder and has held such  
8 license or maintained his or her status  
9 of suitability thereunder at any time  
10 within the preceding year, may apply  
11 to the Board of Commissioners for a  
12 waiver of licensing or finding of suita-  
13 bility. Any application for such waiver  
14 must be accompanied by an agreement  
15 that such person shall deposit with the  
16 Department of Business Activity the ap-  
17 propriate investigation fee as provided  
18 in Section 5-18-6 and to submit to what-  
19 ever investigation as the Board of Com-  
20 missioners, upon the recommendation of  
21 the Department of Business Activity,  
22 may order;

23 (2) A person whose ownership interest in a  
24 corporation, association or partnership  
25 is less than 10%, and who is not re-  
26 quired by any other provision of this  
27 section to be licensed or found suitable,  
28 need not apply for such approval;

29 (3) A corporation, association or partner-  
30 ship, the principle business of which  
31 is something other than the sale of or  
32 other distribution of alcoholic liquor,  
which maintains its principle office or

1 principle place of business outside the  
2 State of Nevada and has officers or  
3 partners who reside outside said State  
4 may apply to the Board of Commissioners  
5 for a waiver of licensing or finding of  
6 suitability of those officers and part-  
7 ners who reside outside of said State  
8 and who do not have or may not exercise  
9 any significant influence in or upon the  
10 operation of the liquor business in the  
11 City. Any application for such waiver  
12 must be accompanied by an agreement by  
13 each officer or partner on whose behalf  
14 such waiver is sought to deposit with  
15 the Department of Business Activity the  
16 appropriate investigation fee as provided  
17 in Section 5-18-6 and to submit to what-  
18 ever background investigation and in-  
19 vestigation concerning such officer's  
20 or partner's actual or possible influ-  
21 ence in or upon the operation of the  
22 liquor business in the City as the  
23 Department of Business Activity deems  
24 appropriate.

25 (B) Each person who has direct supervision over a  
26 liquor business, other than one which is operated  
27 by a major casino, as defined in Section 5-18-2(W)  
28 including managers, managing agents and, with  
29 respect to companies which maintain their principle  
30 offices or principle places of business outside  
31 the State of Nevada, local representatives, must,  
32 within seventy-two (72) hours after entering upon  
his or her duties as such, apply to, and thereafter

1                   be approved for suitability by the Board of  
2                   Commissioners.

3           (C) The Board of Commissioners may require any other  
4           owner, employee or agent or any guardian, per-  
5           sonal representative, holder of indebtedness,  
6           landlord or other person, including one who has  
7           previously been granted a waiver from licensing  
8           or finding of suitability, if, in said Board's  
9           opinion, such person is exercising a significant  
10           influence in or upon the operation of the liquor  
11           business.

12           (D) If a person fails to submit his or her application  
13           for licensing or for approval for suitability  
14           within the respective times provided for in this  
15           Chapter 18 or within thirty (30) days after a  
16           request by the Board of Commissioners to do so,  
17           or if such person's application for licensing is  
18           denied or he or she is found not suitable, or his  
19           or her licensing or suitability is revoked or  
20           suspended, the liquor business establishment  
21           shall immediately remove such person from the  
22           business operations and take such other and further  
23           action as may be required by the Board of  
24           Commissioners.

25           SECTION 3: If any section, subsection, subdivision,  
26           paragraph, sentence, clause or phrase in this Chapter or any part  
27           thereof, is for any reason held to be unconstitutional or invalid  
28           or ineffective by any court of competent jurisdiction, such de-  
29           cision shall not affect the validity or effectiveness of the re-  
30           maining portions of this Chapter or any part thereof. The Board  
31           of Commissioners of the City of Las Vegas, Nevada, hereby de-  
32           clares that it would have passed each section, subsection,

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

5 SECTION 4: Whenever in this ordinance any act is pro-  
6 hibited or is made or declared to be unlawful or an offense or a  
7 misdemeanor, or whenever in this ordinance the doing of any act  
8 is required or the failure to do any act is made or declared to  
9 be unlawful or an offense or a misdemeanor, the doing of any such  
10 prohibited act or the failure to do any such required act shall  
11 constitute a misdemeanor and upon conviction thereof, shall be  
12 punished by a fine of not more than \$500.00 or by imprisonment  
13 for a term of not more than six months, or by any combination of  
14 such fine and imprisonment. Any day of any violation of this  
15 ordinance shall constitute a separate offense.

16 PASSED, ADOPTED AND APPROVED this 19th day of  
17 December, 1979

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19 APPROVED:

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22 WILLIAM H. BRIARE, MAYOR

23 ATTEST:

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27 CAROL ANN HAWLEY, CITY CLERK

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The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of December, 1979, and referred to the following committee composed of Commissioners Levy and Lurie for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of December, 1979, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as first amended and adopted by the following vote:

VOTING "AYE" Commissioners: Christensen, Levy, Lurie, Woofter & Mayor Briare  
VOTING "NAY" Commissioners: None  
ABSENT None

APPROVED:

By William H. Briare  
William H. Briare, Mayor

ATTEST:

Carol Ann Hawley  
CAROL ANN HAWLEY, CITY CLERK

BILL NO. 79-87  
 ORDINANCE NO. 2057  
 AN ORDINANCE RELATING TO LIQUOR CONTROL; REQUIRING PERSONS WHO HAVE A SIGNIFICANT INFLUENCE OVER THE OPERATIONS OF A LIQUOR BUSINESS TO BE LICENSED OR APPROVED FOR SUITABILITY UNDER THE LICENSE OF SUCH BUSINESS; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OR ORDINANCES IN CONFLICT HEREWITH  
 Sponsored by:  
 Commissioner Al Levy  
 Intent of Bill: Requires persons who have a significant influence over the operations of a liquor business to be licensed.  
 The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of Dec. 1979, and referred to the following committee composed of Commissioners Levy and Christensen for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of Dec. 1979, which was a regular meeting of said Board; that at said regular meeting, the proposed ordinance was read by title to the Board of Commissioners as first introduced and adopted by the following vote:  
 VOTING "AYE": Commissioners: Christensen, Levy, Luis Woolfer, and Mayor Briare  
 VOTING "NAY": Commissioners: None  
 ABSENT: None  
 COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
 PUB: Dec. 22, 1979.

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,  
 COUNTY OF CLARK

{ ss.

REX TAYLOR, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of ONE TIME

from DEC. 22, 1979 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Rex Taylor

Subscribed and sworn to before me this 26th day of December, 1979

[Signature]  
 Notary Public in and for Clark County, Nevada

My Commission Expires



Notary Public—State of Nevada  
 COUNTY OF CLARK  
 My Commission Expires Apr. 14, 1981

RECEIVED  
 Dec 27 10 14 AM '79  
 CITY CLERK

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DEC 10 1 54 PM '79  
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# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.  
COUNTY OF CLARK

DEX TAYLOR, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 Time

from December 7, 1979 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Dex Taylor

Subscribed and sworn to before me this 7th day of December, 1979

Julie J. Wesker

Notary Public in and for Clark County, Nevada  
Notary Public—State of Nevada  
COUNTY OF CLARK  
My Commission Expires Apr. 14, 1981



My Commission Expires

BILL NO. 79-87  
AN ORDINANCE RELATING TO LIQUOR CONTROL REQUIRING PERSONS WHO HAVE A SIGNIFICANT INFLUENCE OVER THE OPERATIONS OF A LIQUOR BUSINESS TO BE LICENSED OR APPROVED FOR SUITABILITY UNDER THE LICENSE OF SUCH BUSINESS, PROVIDING OTHER MATTERS PROPERLY RELATING HERETO, PROVIDING PENALTIES FOR THE VIOLATION HEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.  
Sponsored by Commissioner Al Levy  
Summary: Requires persons who have a significant influence over the operations of a liquor business to be licensed.  
At a Commission Meeting on December 5, 1979  
BILL NO. 79-87 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:  
COMMISSIONERS Levy and Lurie  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY CLERK: 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB. December 7, 1979