

ORDINANCE NO. 828

AN ORDINANCE REGULATING THE SALE, DISTRIBUTION AND CONTROL OF INTOXICATING AND ALCOHOLIC LIQUORS AND BEVERAGES; REGULATING AND LIMITING THE PLACES AND TYPES OF LOCATIONS WHERE AND THE CONDITIONS UNDER WHICH INTOXICATING AND ALCOHOLIC LIQUORS AND BEVERAGES MAY BE KEPT, SOLD, GIVEN AWAY OR OTHERWISE DISTRIBUTED; PROVIDING FOR LICENSES, INCLUDING CLASSIFICATIONS OF TYPES OF BUSINESSES; PROVIDING INVESTIGATION AND LICENSE FEES THEREFOR; PROVIDING FOR THE REVOCATION, CANCELLATION, SUSPENSION AND TERMINATION, OF ALL SUCH LICENSES; PROVIDING A PENALTY FOR LATE PAYMENT OF LICENSE FEES; PROHIBITING THE SALE OR OTHER DISPOSAL OF INTOXICATING AND ALCOHOLIC LIQUORS OR BEVERAGES TO MINORS AND FIXING RESPONSIBILITY THEREFOR; LIMITING THE TYPES AND NUMBERS OF LICENSES AND PERMITS TO BE ISSUED PURSUANT TO THIS ORDINANCE; PROVIDING OTHER MATTERS PROPERLY RELATED TO THE CONTROL AND REGULATION OF INTOXICATING AND ALCOHOLIC LIQUORS AND BEVERAGES; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; REPEALING CHAPTER 16 OF THE CODE OF LAS VEGAS AND ORDINANCES NOS. 447, 483, 518, 524, 555, 575, 586, 632, 688, 714, 733, 751, 766, 785, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

SECTION 1. SHORT TITLE. This ordinance may be cited as The Las Vegas Liquor Control Ordinance.

SECTION 2. DEFINITIONS. Whichever used in this ordinance, the following words shall have the meaning described in this section, unless the context clearly indicates a different meaning.

(1) ALCOHOL. The word "alcohol" means a product of distillation of any fermented liquor, rectified either once or oftener, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

(2) SPIRITS. The word "spirits" means any liquor which contains alcohol obtained by distillation, mixed with drinkable water and other substances in solution, including rum, brandy, whiskey and gin.

(3) WINE. The word "wine" means any alcoholic liquor obtained by the fermentation of natural sugar contents of fruits or other agricultural products containing sugar, including fortified wines such as port, sherry and champagne.

(4) BEER. The word "beer" means any liquor obtained by the alcoholic fermentation of an infusion or concoction of malt, barley and hops in drinking water.

(5) BEVERAGE. The word "beverage" means any beer or wine containing not more than 30 per centum of alcohol by weight.

(6) ALCOHOLIC LIQUOR. The words "alcoholic liquor" include the four varieties of liquor defined, (alcohol, spirits, wine and beer), and wine or beer, spirits and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage.

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(7) HOTEL. The word "hotel" means every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which the one hundred (100) or more rooms are used for the sleeping accommodations of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith.

(8) RESTAURANT. The word "restaurant" means space in a suitable building kept, used, maintained, advertised, or held out to the public to be a place where meals are served and where fifty (50) or more persons may be served with meals at any one time at tables or stools.

(9) CLUB. The word "club" means an association of persons, whether incorporated or unincorporated, for the promotion of some common object (but not including associations organized for any commercial or business purpose, the object of which is money profit) owing, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, provided that such club shall be chartered under, or a duly recognized affiliate of, a national service association or organization.

(10) TAVERN. The word "tavern" means a place where alcoholic liquors are sold at retail by drink only to the general public or by bottle for off-premise consumption, and a place where no other kind of business, except gambling, is being maintained or conducted, except that in such taverns, cigars, cigarettes, tobacco, nuts, jerkey, popcorn, potato chips, and pretzels may be sold or given away. A gambling casino shall be required to obtain a separate tavern license for each bar operated in said casino. A restaurant or lunch counter may be operated in the same building with a tavern, provided, however, no lunches, foodstuffs or so-called "free-lunches" shall be either given away or sold at other than a fair and equitable price in such taverns. No tavern license shall be issued for a supermarket or a shopping center. A "tavern license" shall not permit or otherwise authorize or allow the gift or distribution of alcoholic liquor or beverages by means of organized drawings, raffles, free or complimentary tickets, or trading stamps, and no advertising of any such proposed gift or distribution shall be permitted at any time.

(11) PACKAGE LIQUOR ESTABLISHMENT. A package liquor establishment is defined as a place where alcoholic liquors and beverages are sold, served or otherwise lawfully distributed for consumption off of the premises. Such establishment shall have a "package liquor license". After the effective date of this ordinance a package liquor license shall not permit the sale of draft beer in such licensed establishment, except that this limitation shall not apply to those package liquor stores selling draft beer prior to the effective date of this ordinance. A "package liquor license" shall not permit or otherwise authorize or allow the gift or distribution of alcoholic liquor or beverages by means of organized drawings, raffles, free or complimentary tickets or trading stamps, and no advertising of any such proposed gift or distribution shall be permitted at any time.

(12) HOTEL LIQUOR LICENSE. A hotel liquor license shall permit the sale of package goods for room delivery only, and shall per-

mit the maintenance of a tavern in said premises including the sale of liquors by the drink in the rooms and restaurant portion thereof, and shall only be granted to hotels with one hundred (100) rooms or more and having a dining room capable of seating fifty people at tables at one time.

(13) BEVERAGE LICENSE. Beverage licenses shall permit the sale of beer or wine containing not more than 30 per centum of alcohol by weight and may be permitted in grocery stores for off-premise consumption, and in restaurants, as herein defined, for on-premise consumption, provided that such licenses are permitted under the Planning and Zoning Ordinances of the City.

(14) BEER LICENSE. Beer licenses may be permitted in a restaurant as defined herein, or in a lunch counter wherein twelve (12) or more persons may be served with meals at any one time at tables or stools, or in package liquor establishments, or a hotel, or a shopping center liquor store, provided that the issuance thereof is permitted under the Planning and Zoning Ordinances of the City, and shall permit the consumption of beer on the premises.

(15) SERVICE BAR. Service bar is defined as a bar wherein drinks are prepared for service only at tables in hotels, restaurants or casinos and does not permit sales direct to customers at such bar. Service bars are permitted in hotels, restaurants with seating capacity of more than one hundred (100) persons at one time, and in casinos.

(16) SPECIAL EVENTS LICENSE. A special events license shall permit the sale of alcoholic liquor at such locations and as specified on such license, for a period of not more than one (1) week, provided that the Board of Commissioners shall have first approved the application therefor.

(17) IMPORT-WHOLESALE LICENSE.

(a) An "import-wholesale alcoholic liquor license" shall authorize the holder thereof to be the first person in possession of alcohol or spirits within the city after completion of the act of importation of such alcohol or spirits into the State of Nevada. No such license shall be issued to or be operated by any person who does not possess a valid and effective license, permit, certificate, or other authorization from the State of Nevada entitling such person to import alcohol or spirits into the State of Nevada. Every such license shall permit the maintenance of a wholesale liquor establishment where alcoholic, spiritous, or mixed alcoholic and intoxicating liquors are kept, sold, given away or otherwise lawfully distributed, contained in sealed or corked packages or kegs, and not to be consumed on the premises where so kept, given away or distributed; and are to be sold, given away or distributed to retailers only, and only in the original packages or kegs. Every wholesale liquor establishment shall keep a record of the retail city license number of each and every person to whom any sale of alcohol or spirits is made, and shall keep an invoice of each and every sale. Such records shall at all times during business hours, be open to inspection by the City.

(b) An "import-wholesale alcoholic beverage license" shall authorize the holder thereof to be the first person in possession of wine and beer within the City after completion of the act of importation of such wine or beer into the State of Nevada. No such license shall be issued to or be operated by any person who does not possess a valid and effective license, permit, certificate or other authorization from the State of Nevada entitling such person to import wine or

beer, or both, into the State of Nevada. Every such license shall permit the maintenance of a wholesale beverage establishment where wine or beer, or both, are kept, sold, given away or otherwise lawfully distributed, contained in sealed or corked packages or kegs, and not to be consumed on the premises where so kept, given away or distributed, and are to be sold, given away or distributed to retailers only, and only in the original packages or kegs. Every wholesale beverage establishment shall keep a record of the retail city license number of each and every person to whom any sale of wine or beer is made, and shall keep an invoice of each and every sale. Such records shall at all times during business hours be open to inspection by the City.

(18) GROCERY STORE, SUPER-MARKET AND DRUG STORE LIQUOR LICENSES.

A grocery store, super-market, or drug store liquor license shall permit the sale of alcoholic liquors only for off-premise consumption and may be permitted in a grocery store, super market, or drug store, provided that no self-service sales shall be permitted; and provided further that the issuance thereof is permitted under the Zoning provisions of the City.

Intoxicating liquors, other than wine and beer, must be segregated and kept under the exclusive control of and sold or distributed only by an adult at least twenty-one (21) years of age. All beer and wine shall be handled only by an adult person over the age of twenty-one (21) and sold and distributed only by an adult of at least twenty-one (21) years of age. No sales shall be permitted at a grocery store, super-market, or drugstore, in quantities of less than one-half pint.

(19) PERSON. "Person" shall include a firm, association, partnership, corporation, or other entity.

(20) SHOPPING CENTER. A "Shopping Center" means an area consisting of not less than ten contiguous acres, including off-street parking facilities, having not less than ten stores, or segregated and partitioned separate departments, wherein diversified goods, wares and merchandise are offered for sale to the public by different owners, lessees, or operators. Said stores or separate departments need not necessarily be under one roof, or adjoining or contiguous with each other. A beverage license or beer license may be issued for a shopping center if permitted by the Planning and Zoning Ordinances of the City. A "Shopping Center Package Liquor License" may be issued to an owner, lessee, or operator who keeps, maintains and operates a separate liquor store segregated and partitioned from all other stores in said shopping center, and having a separate entrance from the street, sidewalk or shopping center area. Said store shall have a total area of not less than 1,600 square feet. Such license shall not permit the sale or other lawful distribution of alcoholic liquors and beverages for consumption on the premises, except that a shopping center package liquor license may also obtain a beer license as defined in subsection (14) of this section, permitting consumption on the premises. No self-service sales shall be permitted and all alcoholic liquor shall be under the exclusive control of, and sold or distributed only by an adult person at least twenty-one (21) years of age. A "Shopping Center Package Liquor License" shall be exempt for the initial issuance of such license from the limitation of the number of package liquor licenses available for issuance, but shall thereafter be included in and be counted in any determination of the number of available package liquor licenses, and shall not be transferrable to any other location outside of said shopping center for any reason whatsoever. No more than one "Shopping Center Package Liquor" license shall be issued for any shopping center location, whether or not the same is located within a "main building", "super-market", or other location within such shopping center, provided, however, that any shopping center having a total area of not more than twenty-five (25) contiguous acres, including off-street parking facilities,

and having not less than 25 stores or segregated and partitioned separate departments, wherein diversified goods, wares and merchandise are offered for sale to the public by different owners, lessees, or operators, shall be deemed to be a "Regional Shopping Center". A "Regional Shopping Center" may have two "Shopping Center Package Liquor" Licenses, only one of which may be located within a "main building" or "super-market", provided that the location of the second "Shopping Center Package Liquor" License shall be at least four hundred feet (400') from the first "Shopping Center Package Liquor" License; and provided further, that neither of such licenses may be issued to any location provided by Section 9 of this Ordinance.

SECTION 3. LICENSE REQUIRED; EXCEPTIONS.

It shall be unlawful for any person, social club or association of persons of any kind whatsoever, to sell, offer to sell, serve, give away or distribute, or cause or permit to be sold, offered for sale, served, given away or distributed, any alcoholic, spiritous, vinous, malt or intoxicating liquor, or any liquor or beverages mentioned in this ordinance, in the city limits, without first making application for and securing a license so to do; provided, that such liquors and beverages may be served by a private family in its home as a part of its family life; and provided further, that the provisions of this section shall not apply to the sale or giving away by a regularly licensed druggist of pure alcohol (with or without a physician's prescription) for medicinal, mechanical or scientific uses; nor shall the provisions of this section extend to physicians, surgeons, apothecaries or chemists as to any alcoholic liquor which they may use in the preparation or compounding of medicines.

SECTION 4. APPLICATION FOR LICENSE; INFORMATION TO BE SHOWN.

Whenever any person, corporation, partnership, social club or association of persons of any kind whatsoever desires to open, keep, carry on or conduct or engage in any business concerning the sale or other lawful distribution of any alcoholic liquor, except as provided in Section 3 hereof, such applicant shall make application in writing to the Board of Commissioners of the City to obtain a license therefor, and such application shall contain and set forth the following:

(a) The name and residence of the applicant and how long a resident of the city.

(b) The kind of a license desired, and the particular place for which such license is desired, and the name of the owner of the premises where such business is to be operated.

(c) All persons having any interest in the business asked to be licensed, including stockholders.

(d) A statement that if such application is approved and a license issued, it will be accepted by the applicant subject to the terms and provisions of this ordinance, and such other rules and regulations as may at any time hereafter be adopted or enacted by resolution or ordinance of the board of commissioners of the city, including an acknowledgment of the power and authority of the license department, or other authorized representative of the City of Las Vegas, to enter any store, building, or any other place in which such business is being conducted at any time during business hours for the purpose of examining the books of account of said business to ascertain the real parties in interest in said business, and all persons having interest in such business, including persons who may have loaned or otherwise advanced money for the operation and conduct of such business.

(e) The first annual license fee shall accompany the application, to be returned to applicant if the application is denied.

(f) Such application must be verified by the person submitting said application.

SECTION 5. REQUIREMENTS WHERE APPLICANT FOR LICENSE IS CORPORATION OR ASSOCIATION.

When an applicant for a license is a corporation or association, the application must be verified by its president, secretary or manager, and in addition to the matters and things hereinbefore required to be set out in the application, there shall be set forth the names and addresses of all officers and directors and the name and address of the person who shall have the management of its business for which or in connection with which a license is desired.

SECTION 6. INVESTIGATION.

Every person filing an application for a license in the City of Las Vegas required by this ordinance shall concurrently therewith deposit with the License Department an investigation fee based on the following schedule:

(a) For each beer or beverage license, the sum of \$25.00, plus an additional sum of \$25.00 for each additional person required to be licensed.

(b) For all other alcoholic liquor licenses, the sum of \$150.00, plus an additional sum of \$25.00 for each additional person required to be licensed.

(c) In the event any person shall be an applicant or member of a group of applicants, and such person shall have been previously investigated by the City of Las Vegas and shall have held a license within a preceding period of one year, no investigation fee shall be required.

(d) In the event the applicant shall be a partnership or association, each person having an interest therein and each officer thereof, and the managing agent or managing director not appearing on the license, shall be investigated and the fee for such investigation shall be \$50.00 per person. In the event the applicant shall be a corporation, each officer and director thereof, and the managing agent or managing director not appearing on the license, shall be investigated and the fee for such investigation shall be \$50.00 per person.

(e) In the event an application shall disclose that the financing of the applicant or members thereof, shall have been furnished by any other person or persons, then such lender or lenders shall be investigated, at a fee of \$150.00 per person.

(f) No investigation shall be made of any of the foregoing persons prior to the payment by the applicant of such fee to the License Department of the City of Las Vegas, and no application shall be considered until all such fees are paid and said investigation has been completed.

SECTION 7. CHARACTER AND CITIZENSHIP.

(a) No license shall be issued to any person, social club or association of persons of any kind whatsoever, unless the applicant shall have an established place of business within a zone permitting such type of license under the Planning and Zoning Ordinances of the City of Las Vegas and unless the applicant is a citizen of the United States, and of good moral character. In the event the applicant shall be a corporation or association, the managing agent thereof must be a citizen of the United States and a person of good moral character.

(b) No alcoholic liquor license shall be issued hereunder to any person who has previously been convicted of a felony, either in the State of Nevada, or in any other state of the United States, nor to any person who has been convicted in any other state or county of any crime which is considered a felony under the laws of the State of Nevada.

SECTION 8. LOCATION.

(a) No license shall be granted for the sale of alcoholic liquor unless the building in which such business is to be conducted shall face and have its main entrance from a designated street, provided, however, that the Commission may nevertheless authorize the issuance of licenses which permit the sale, service, or other lawful distribution of alcoholic liquors in specified enclosed areas which are under the supervision, management and operation of a licensee.

(b) Shopping Center, Super-Market, Drug Store, Grocery and Package liquor Licenses for the sale or distribution of alcoholic liquors, may at the discretion of the Board be permitted anywhere within the limits of the City in any CC, C-2, or less restrictive zone.

(c) Restaurants for the sale of beverages containing not more than 30 per centum of alcohol by weight may be licensed anywhere within the limits of the City in any CC, C-1, C-2, or less restrictive zone except as prohibited by Section (9) of this ordinance.

(d) Club licenses for the sale of beverages or alcoholic liquors may be maintained only in such places as may, in the discretion of the Board of Commissioners, be specifically designated at the time application for license therefor is made.

(e) Beverages may be sold, served or distributed by regularly licensed establishments within any CC, C-1, C-2 zone, or less restrictive zone, within the city limits except as prohibited by Section (9) of this ordinance.

(f) Import-Wholesale Alcoholic Liquor licenses may be maintained and kept in that part of the city zoned as M-1, Light Industry and M-2, Heavy Industry, in accordance with the Planning and Zoning Ordinances of this City.

(g) Taverns may be maintained only in that portion of the City of Las Vegas bounded by Main Street on the west, Ogden Street on the north, 2nd Street on the east, Carson Street on the south; and on Fremont Street between 8th Street and 12th Street; and on 5th Street between Oakey Boulevard and San Francisco Avenue; and on North Main ⁵ 20

Street between Bonanza Road and Foremaster; and on Jackson Street from 100 feet east of "D" Street to 100 feet west of "F" Street; and on "D" Street from Monroe to Van Buren; and on each side of Charleston Boulevard, commencing at the intersection of East Charleston and Fremont Street and extending westerly along Charleston Boulevard, a distance of 1000 feet; and on each side of South Main Street from the South line of Charleston Boulevard to the intersection of South 5th and South Main at St. Louis.

Nothing contained in this ordinance shall be interpreted to permit taverns in any areas described above without complying with the Zoning Ordinance, provided, however, that hotels as defined herein, may be allowed a tavern license outside such zone if approved by the Board of Commissioners; and provided further, that any such tavern maintained by a hotel shall be separate, distinct and apart from any other business; and provided further, that this section shall not be construed to prohibit a lunch counter or restaurant from being operated in the same building; provided further that no tavern license issued to a place of business on Fremont Street between Main and Second Street, shall be transferred to any location other than a place of business located within said area.

SECTION 9. SALES WITHIN FOUR HUNDRED FEET OF SCHOOL OR CHURCH PROHIBITED.

(a) It shall be unlawful for a licensee under the provisions of this ordinance to sell, serve, give away or distribute any of the liquors or beverages mentioned in this ordinance within four hundred feet of any schoolhouse or place wherein a public school is conducted.

(b) It shall be unlawful for any licensee under the provisions of this ordinance to sell, serve, give away or distribute any alcoholic liquor as defined in Sections 2 and 3 of this ordinance within four hundred feet (400') of any church; provided, however, this restriction shall not apply to licensees or places of business selling alcoholic liquors in a prohibited location prior to the effective date of this ordinance, or to licensees engaged in business at any approved location which would become a prohibited location by reason of the establishment of a church within 400 feet of such approved location.

SECTION 10. LIQUOR TO BE APPROVED BY UNITED STATES GOVERNMENT.

It shall be unlawful for any person, social club or association of persons of any kind whatsoever, to sell, serve, give away, or dispose of any alcoholic, spiritous, vinous or malt liquor, except such liquor as is manufactured under the supervision of or approved for sale by the United States Government.

SECTION 11. HOME DELIVERIES PROHIBITED. It shall be unlawful for any licensee under the provisions of this ordinance to make so-called "home deliveries", or to deliver any alcoholic liquor as defined in this ordinance to any private home or residence pursuant to telephone call requesting such delivery.

SECTION 12. BOARD OF COMMISSIONERS MAY AUTHORIZE, REFUSE, LIMIT, REVOKE, AND SUSPEND LICENSE.

(a) The Board of Commissioners may, if the applicant for a license under this ordinance is qualified to carry on such

business, approve such application and authorize the Supervisor of Licenses and Revenue to issue such license; provided, however, that said Board shall have the right to deny any application for any reason deemed sufficient by the Board and refuse to license any applicant.

(b) The Board shall have the right to limit the number of licenses which may be issued, based upon population as determined by any formula deemed sufficient by the Board, and to determine where and under what conditions alcoholic liquor may be sold, served, given away or distributed in the City.

(c) The Board shall have the right to immediately suspend at any time, and without prior notice, any license for the sale of alcoholic liquor for any violation of this ordinance, and every licensee shall be deemed to have accepted his license subject to such right of suspension without prior notice; provided, however, that an order of the Commission suspending such license shall not be made unless the Commission finds that such action is necessary for the immediate preservation of the public health, safety, morals, or general welfare of the inhabitants of the City of Las Vegas. Such order of suspension shall remain effective until further order of the Commission or final disposition of the charges upon which said Order is based. In the event of a suspension without prior notice, every such licensee shall immediately be given notice in writing of the reason or reasons for such suspension, which shall include a specification of violations of law and set forth in ordinary language the acts or omissions alleged against the licensee. The licensee shall be given an opportunity to be heard at the next regular meeting of the Board of Commissioners. Said hearing shall permit the licensee to show cause why his license should not be suspended and shall be conducted in the manner and under the procedures provided for the revocation of business licenses in general. The licensee may waive the time hereinbefore provided for a hearing upon suspension and such hearing may be held at any time thereafter which may be agreed upon; provided, however, that nothing herein shall be construed to limit the right of the Board to proceed with revocation proceedings. The Board shall also have the right, whether or not a license is suspended with or without prior notice, to require a licensee to show cause, if any, why his license should not be revoked for any violations of this ordinance, or other applicable ordinances of the City or State law. In such event, the licensee shall be given a notice in writing of the reason or reasons for such hearing, which shall include a written specification of the charges in ordinary and concise language describing the acts or omissions alleged against the licensee. Said hearing shall be conducted in the manner and under the procedures for the revocation of business licenses in general.

SECTION 13. ISSUANCE OF LICENSE.

(a) Upon the approval of an application and payment of required fees, the Supervisor of Licenses & Revenue shall issue a license for the type of business specified in said application. All licenses shall be permanent and fees therefor shall be paid semi-annually. Such license shall be prominently displayed in the place of business for which it is issued and shall be retained by the licensee as long as it is in effect.

(b) Every licensee whose semi-annual license fee is more than \$750.00 may pay such license fee in two installments as follows: 50% on the due date, and the remaining 50% within ninety (90) days after the due date.

(c) Each licensee shall be notified prior to the due date of the amount due for this license; provided, that the actual receipt by the licensee of such notice is in no case required; and provided further, that the failure of the city to notify any licensee shall in no event be construed or held to be a waiver of the payment of such license fee.

(d) Upon the approval of a sale or transfer of ownership of a business for which an alcoholic liquor license has been issued and the approval of an alcoholic liquor license for the purchaser or transferee, license fees already paid shall be refunded to the seller or transferor for the unexpired portion of the licensing period, but only in the event that the purchaser or transferee has paid in advance the license fee for a period of one year as the next succeeding licensing period.

(e) Nothing herein shall be construed to authorize the sale, transfer or assignment of an alcoholic liquor license, and no such license shall in any event be sold, assigned or transferred; provided further, that all sales or transfers of the stock or merchandise of any such licensee shall be made in compliance with applicable laws of the State of Nevada, including the Bulk Sales Act (Chapter 98, Nevada Revised Statutes).

(f) In the event the holder of an alcoholic liquor license, other than a tavern license, shall discontinue business for more than sixty (60) days without the specific approval of the Board of Commissioners, such license shall be revoked automatically, without action by said Board. In the event a tavern license is not put to active use within thirty (30) days after its issuance, or is not kept in actual use for a period of thirty (30) days, such license shall be subject to revocation; provided, however, the holder of an existing license may apply to the Board of Commissioners for an additional period of thirty (30) days. The intent of this section is that tavern licenses shall be put into actual operation and will be revoked if not used within the time prescribed.

SECTION 14. LICENSE FEES.

A. The fees for licenses provided for in this ordinance shall be, and the same are fixed and established, and the same shall be paid in advance by all persons receiving such licenses respectively, as follows:

1. For an import-wholesale alcoholic liquor license the sum of \$600.00 per semi-annual period.
2. For an import-wholesale alcoholic beverage license the sum of \$500.00 per semi-annual period.
3. For a tavern license the sum of \$750.00 per semi-annual period.

4. a) For a package liquor license or shopping center liquor license the sum of \$450.00 per semi-annual period.
- b) For a package liquor license in a supermarket, grocery store or drug store, the sum of \$400.00 per semi-annual period.
5. For a beverage license the sum of \$100.00 per semi-annual period.
6. For a beer license the sum of \$100.00 per semi-annual period.
7. For a club license the sum of \$50.00 per semi-annual period.
8. For a hotel liquor license the sum of \$750.00 per semi-annual period, provided that any hotel maintaining more than one bar shall pay an additional amount of \$750.00 per semi-annual period for each bar in excess of one in number and shall pay in addition the sum of \$600.00 per semi-annual period for each service bar maintained in such hotel.
9. For a service bar license in a restaurant or casino the sum of \$600.00 per semi-annual period.
10. For a special events license for the sale of beverages the sum of \$10.00 per day, and for a special events license for the sale of liquor the sum of \$25.00 per day.

An applicant not previously licensed shall pay with the application the license fee set forth hereinabove for the appropriate type applied for, covering a one year period. After a licensee shall have held a license for one year, said license fee shall be paid semi-annually in advance, subject, however, to the provisions of subsection (b) of Section 13 of this ordinance.

B. Every license fee required by this ordinance which is not paid when the same becomes due and payable is hereby declared to be delinquent and the Supervisor of Licenses & Revenue shall thereupon add to such license fee and collect, before issuing such license, a penalty of ten per cent of such license fee so delinquent (but not in any case less than fifty cents) in the event such license fee shall have been delinquent for less than fifteen (15) days. If such license fee shall have been delinquent for more than fifteen (15) days, the said Supervisor shall add to such license fee and collect before issuing such license, a penalty of twenty-five per cent of such license fee so delinquent. Such penalty may also be recovered in any civil action brought in the name of the city for the recovery of the amount of license fee imposed by this ordinance. This ordinance shall not be construed to permit the operation of any business to which this ordinance applies, for any length of time whatever without having in full force and effect a proper license issued by the City of Las Vegas.

SECTION 15. NO FINANCIAL INTEREST OF BREWER, WHOLESALER, ETC., IN RETAIL ESTABLISHMENTS.

No license shall be granted to any brewer or brewery, manufacturer of liquors or beverages, or wholesaler, who shall have any financial interest, direct or indirect, in any retail alcoholic liquor or retail beverage establishment in the City of Las Vegas.

SECTION 16. IMPORT-WHOLESALE ALCOHOLIC LIQUOR LICENSE REQUIREMENTS.

A. No Import-Wholesale Alcoholic Liquor License shall be issued to or be operated by any person who does not meet the following qualifications in connection with his premises licensed as his principal place of business: (1) Maintains warehouse and office space either owned or leased by him or dedicated to his use in a public warehouse and such space is sufficient to store at one time either (a) A stock of distilled spirits equal to 10 percent or more of his annual gross volume of distilled spirits sales to retailers within this state, or, (b) A stock of distilled spirits whose cost of acquisition is Fifty Thousand Dollars (\$50,000.00), or more, and (2) sells distilled spirits to retailers generally rather than a selected few retailers. The stock of distilled spirits herein required shall be owned by him, not held on consignment and not acquired pursuant to a prior agreement to sell it to a specific licensee or licensees. A wholesaler who sells to twenty-five percent (25%) of the retailers in Clark County, Nevada, or a wholesaler whose total volume of sales of distilled spirits to retailers during any 12 month period consists of fifty percent (50%) or more of individual sales in quantities of ten cases or less shall be conclusively presumed to be selling to retailers generally.

B. No Import-Wholesale Alcoholic Beverage License shall be issued to or be operated by any person who does not meet the following qualifications in connection with his premises licensed as his principal place of business: (1) Maintains warehouse and office space either owned or leased by him or dedicated to his use in a public warehouse and such space is sufficient to store at one time either (a) A stock of wine or beer equal to ten percent (10%) or more of his annual gross volume of wine or beer sales to retailers within this state, or, (b) A stock of wine or beer whose cost of acquisition is ten thousand dollars or more, and (2) Sells wine or beer to retailers generally rather than a selected few retailers. The stock of wine or beer herein required shall be owned by him, not held on consignment and not acquired pursuant to a prior agreement to sell it to a specific licensee or licensees. A wholesaler who sells to twenty-five percent (25%) of the retailers in Clark County, Nevada, or a wholesaler whose total volume of sales of wine or beer to retailers during any 12 month period consists of fifty percent (50%) or more of individual sales in quantities of ten cases or less shall be conclusively presumed to be selling to retailers generally.

Notwithstanding the provisions of this Subsection B, a limited Import-Wholesale Alcoholic Beverage License may be issued to, or be operated by, a person who complies only with the requirements of Subsection (1) hereof and who need not sell wine or beer to retailers generally and who need not own such wine or beer and may have acquired the same pursuant to a prior Agreement to sell it to a specific licensee; provided, however, that only one limited Import Wholesale Alcoholic Beverage License may be issued for each 75,000 persons, or fraction thereof, residing in the City of Las Vegas as determined under the provisions of Section 17 of this Ordinance.

SECTION 17. LIMITATION OF NUMBER OF CERTAIN LICENSES.

(a) There shall be one package liquor license available for issuance for each 1250 persons residing in the City of Las Vegas. A grocery store, drug store, or super-market license shall be included in determining the number of such licenses which may be issued and outstanding at any one time, based upon each 1250 persons of population; provided, however, that such licenses heretofore issued by the city shall not be deemed to be prohibited or cancellable by reason of the limitation herein; and provided further, that the holder of a package liquor license heretofore issued by the appropriate governing body for a business located in an area which is subsequently annexed to the City of Las Vegas shall be entitled to a similar license under the provisions of this ordinance without regard to the population limitation provided herein, but subject, however, to all of the applicable provisions of this ordinance, including the approval or rejection of such applicant by the Board of Commissioners. If and when any package liquor license is surrendered, cancelled or revoked, no new such license shall be issued until the population of the City of Las Vegas is such that another such license is available for issuance. The Board of Commissioners hereby finds that certain outlying areas of the City are not adequately served by package liquor establishments, and further finds that when and as licenses provided in this subsection may be available for issuance, preference should be given to package liquor license businesses located in such outlying areas. Nothing herein shall be construed to require the approval of an application for a package liquor license simply because one may be available for issuance, and the Board of Commissioners may withhold the issuance of such license, in its sole discretion, and for any reason whatsoever, including the encouragement of the installation of businesses in outlying areas. From and after the effective date of this ordinance, no new package liquor license shall be issued for, and no existing package liquor license shall be transferred to, any location which is within 400 feet of an existing package liquor establishment, except that this limitation shall not apply to new Shopping Center Package Liquor licenses, or to Fremont Street between Main and Second Streets.

(b) There shall be one tavern license available for issuance for each 1250 persons residing in the City of Las Vegas. Club licenses, as defined in Subsection 9 of Section 2 of this Ordinance, shall not be included in any determination of the number of tavern licenses which may be issued and outstanding at any one time, based upon each 1250 persons of population; provided, however, that no tavern license heretofore issued by the City shall be deemed to be prohibited or cancelled by reason of the limitation herein; and provided further, that the holder of a tavern license heretofore issued by the appropriate governing body for a business located in an area which is subsequently annexed to the City of Las Vegas shall be entitled to a similar license under the provisions of this ordinance without regard to the population limitation provided herein, but subject, however, to all of the applicable provisions of this ordinance, including the approval or rejection of such applicant by the Board of Commissioners. If and when any tavern license is surrendered, cancelled or revoked, no new such license shall be issued until the population of the City of Las Vegas is such that another such license is available for issuance. Nothing herein shall be construed to require the approval of an application for a tavern license simply because one may be available, and the Board of Commissioners may withhold the issuance of such license, in its sole discretion and for any reason whatsoever. Hotels having one hundred (100) rooms or more, and major gaming establishments having ten (10) or more gambling devices exclusive of slot machines, shall be exempt for the initial

issuance of such license from the limitation of the number of tavern licenses available for issuance, but shall thereafter be included in the foregoing limitation based on population, and shall thereafter be counted in any determination of the number of available tavern licenses. From and after the effective date of this ordinance, no new tavern license shall be issued for, and no existing tavern license shall be transferred to, any location which is within 400 feet of an existing tavern license; provided, however, that this limitation shall not apply to places of business on Fremont Street between Main and Second Streets, and licenses may be issued for or transferred to any location of business within said area.

(c) The population of the City of Las Vegas, for the purposes of this section, may be determined from time to time by the Board of Commissioners by any formula deemed sufficient by said Board, and when so determined said population shall be presumed to remain the same until the next population determination.

(d) From and after the effective date of this ordinance, no package liquor license or tavern license shall be convertible or transferable into a different type of license unless such proposed transfer complies with and meets all of the requirements of this ordinance with respect to the proposed type of new or transferred license.

(e) From and after the effective date of this ordinance, no new package liquor license shall be issued for, and no existing package liquor license shall be transferred to, the same location licensed as a tavern; and no new tavern license shall be issued for, and no existing tavern license shall be transferred to, the same location licensed as a package liquor establishment.

SECTION 18. SALE TO INTOXICATED PERSONS.

It shall be unlawful for any licensee under the provisions of this ordinance, or any of his servants, or employees to sell, serve or give away alcoholic liquor to any intoxicated person.

SECTION 19. SALE AT DRIVE-INS OUTSIDE OF BUILDING PROHIBITED.

It shall be unlawful for any holder of a beverage, beer, or tavern license for drive-ins, or any servants, agents or employees of such licensee, to sell, serve, give away or otherwise distribute any alcoholic liquor outside of the building described in the application of such licensee and for which such license is issued, or to sell, serve, give away or otherwise distribute any alcoholic liquor in any manner other than for consumption in the building described in the application of such licensee; provided, however, that the Commission may, for good cause shown, authorize the sale, service or other lawful distribution of alcoholic liquor in specified enclosed areas or premises under the supervision, management and operation of a licensee.

SECTION 20. SALES ON ELECTION DAY, ETC.

It shall be unlawful for any licensee to sell, serve or give away any alcoholic liquor on any election day between the hours of opening and closing of the polls on said day, as established by state law or county or city ordinance; provided, however, that the foregoing prohibition on election days shall not apply to any election at which the sole matter to be voted on therein relates to the creation or assumption of any public indebtedness to be evidenced by bonds or otherwise.

SECTION 21. SALE OF FOOD, ETC., IN TAVERNS OR GAMBLING CASINOS.

It shall be unlawful for the holder of any license under the provisions of this ordinance, or any person employed by him, to serve or give away food, except in taverns as permitted by Subsection 10 of Section 2 of this Ordinance, except that holders of beer licenses may serve or give away nuts, jerkey, popcorn, potato chips, and pretzels; and except that hot d'oeuvres may be given away in hotels or gambling casinos between the hours of 5:00 P.M. to 7:00 P.M., but then only in the event the place of service of such hot d'oeuvres, whether portable or stationary, is supervised and operated by a separate employee; and except that food may be served and sold in taverns, hotels and gambling casinos if it is sold at a fair and equitable price under a license permitting a restaurant or lunch counter operation.

SECTION 22. SALES IN CONNECTION WITH PLACES WHERE GAMBLING IS CONDUCTED.

Nothing in this ordinance shall be construed to prohibit licenses for the sale or service of alcoholic liquor in any premises wherein gambling is conducted.

SECTION 23. SALES TO MINORS.

(a) It shall be unlawful for any licensee or any person employed in a place of business which sells alcoholic liquor, to sell, serve, give away, or dispense alcoholic liquor to any minor. For the purpose of this section, a person shall be deemed to be employed in a place of business which sells alcoholic liquor if he purports to have the authority to make sales, whether actually receiving a wage or not.

(b) In any criminal prosecution or proceeding for the suspension or revocation of any license based upon a violation of Subsection (a) of this Section, proof that the defendant licensee or his agent or employee, demanded and was shown, immediately prior to furnishing any alcoholic liquor to a person under the age of 21 years, bona fide documentary evidence of majority and identity of such person issued by a Federal, State, County, or Municipal Government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registered certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces, is a defense to the criminal prosecution, or proceeding, for the suspension or revocation of any license.

(c) Penalties provided in this ordinance shall be cumulative and not exclusive, and any other proceeding under other ordinances of the City shall not be deemed prohibited by this ordinance.

SECTION 24. EMPLOYMENT OF MINORS PROHIBITED.

(a) It shall be unlawful for any licensee to employ any minor person to sell or handle any alcoholic liquor of any kind, or to permit any minor person to handle such liquor in his place of business in any way, regardless of whether such place of business may be a duly licensed restaurant, eating establishment of any kind, drug store, grocery store, shopping center, super-market, hotel, import-wholesaler, beverage licensee, beer licensee, package liquor establishment, or tavern, or other licensee, and whenever such practice is permitted, the license of such licensee shall be

revoked, provided, however, that grocery store, shopping center, and super-market licensees affording "box-boy" or other delivery service from the place of sale to the conveyance of the purchaser shall be responsible under the foregoing prohibition only until the sale is completed, and that minors may nevertheless carry or transport alcoholic liquors from the place of such consumated sale to the conveyance of the purchaser, in which event such purchaser shall be deemed to have assumed full and complete ownership of and responsibility for such alcoholic liquor.

(b) It shall be unlawful for any female to prepare mixed drinks in any tavern, hotel, or service bar, unless such female is a bona fide owner of an interest in such license and is approved as a licensee for such license.

SECTION 25. INTOXICATION OF LICENSEE, EMPLOYEES, ETC.

It shall be unlawful for any licensee under the provisions of this ordinance, or any of his servants, agents or employees, to be in an intoxicated condition in or about the premises of business occupied by a tavern while such licensee, servant, agent, or employee is engaged in the performance of his employment duties at such tavern.

SECTION 26. LIGHTING IN BARS.

At all times while any alcoholic beverage licensed premises are open for business the interior lighting therein shall be sufficient to make easily discernible upon immediately entering the main entrance the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered or consumed. In no event shall the intensity of such interior lighting be less than 1 foot candle power light when measured at a point 30" from the floor wherever persons and patrons are sitting or standing within the premises. This section shall apply in all cases except in licensed establishments where floor shows are permitted under City Ordinance. In such cases the floor showroom lights only may be dimmed during the floor show, and at the conclusion of each floor show the lighting must then immediately be restored to the minimum standards of light intensity hereinbefore provided.

SECTION 27. REPEAL OF ORDINANCE.

Chapter 16 of the Code of Las Vegas, Nevada, and Ordinances Nos. 447, 483, 518, 524, 555, 575, 586, 632, 688, 714, 733, 751, 766, 785 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 28. PUNISHMENT.

Every person who violates any of the provisions of this ordinance (save and except the failure to pay a license fee when and as it becomes due) shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the City Jail for a period of not more than six (6) months, or by both such fine and imprisonment. In addition to such penalty, the license of every such licensee may be suspended or revoked, as provided in this ordinance.

SECTION 29. This ordinance shall be in full force and effect upon its adoption and publication as in the next section provided.

SECTION 30. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance

to be published once a week for two successive weeks immediately following its adoption in the Las Vegas Review Journal, a daily newspaper published in the City of Las Vegas, Nevada.

Oran K. Gragson
ORAN K. GRAGSON, Mayor

ATTEST:

Edwina M. Cole
EDWINA M. COLE, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 16th day of September, 1959, and referred to the following committee composed of Commissioners Sharp and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance, on the 2nd day of March, 1960, which was a regular meeting and at said meeting held on said day the proposed ordinance was read in the manner required by law, and adopted by the following vote:

Voting "Aye": Commissioners Sharp, Fountain, Whipple and Mayor Gragson
Voting "Nay": Commissioner Elwell Absent: None

ATTEST:

APPROVED:

Edwina M. Cole
Edwina M. Cole, City Clerk

Oran K. Gragson
ORAN K. GRAGSON, Mayor

AFFIDAVIT OF PUBLICATION

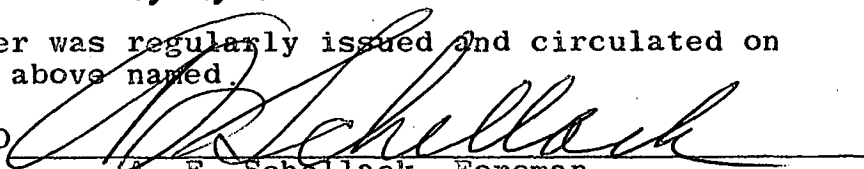
STATE OF NEVADA,)
COUNTY OF CLARK) ss.

A. F. Schellack, being first duly sworn
deposes and says, That he is Foreman of the LAS VEGAS REVIEW-
JOURNAL, 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 Two (2) insertions
from March 7, 1960 to March 14, 1960

inclusive, being the issues of said newspaper for the follow-
ing dates, to-wit: March 7, 14, 1960


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

SIGNED


A. F. Schellack, Foreman

Subscribed and sworn to
before me

this 14th day of March 19 60


NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA
My Commission Expires April 14, 1962

ORDINANCE NO. 828

AN ORDINANCE REGULATING THE SALE, DISTRIBUTION AND CONTROL OF INTOXICATING AND ALCOHOLIC LIQUORS AND BEVERAGES; REGULATING AND LIMITING THE PLACES AND TYPES OF LOCATIONS WHERE AND THE CONDITIONS UNDER WHICH INTOXICATING AND ALCOHOLIC LIQUORS AND BEVERAGES MAY BE KEPT, SOLD, GIVEN AWAY OR OTHERWISE DISTRIBUTED; PROVIDING FOR LICENSES, INCLUDING CLASSIFICATIONS OF TYPES OF BUSINESS; PROVIDING INVESTIGATION AND LICENSE FEES THEREFOR; PROVIDING FOR THE REVOCATION, CANCELLATION, SUSPENSION AND TERMINATION, OF ALL SUCH LICENSES; PROVIDING A PENALTY FOR LATE PAYMENT OF LICENSE FEES; PROHIBITING THE SALE OR OTHER DISPOSAL OF INTOXICATING AND ALCOHOLIC LIQUORS OR BEVERAGES TO MINORS AND FIXING RESPONSIBILITY THEREFOR; LIMITING THE TYPES AND NUMBERS OF LICENSES AND PERMITS TO BE ISSUED PURSUANT TO THIS ORDINANCE; PROVIDING OTHER MATTERS PROPERLY RELATED TO THE CONTROL AND REGULATION OF INTOXICATING AND ALCOHOLIC LIQUORS AND BEVERAGES; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; REPEALING CHAPTER 16 OF THE CODE OF LAS VEGAS AND ORDINANCES NOS. 447, 483, 518, 524, 535, 575, 586, 632, 688, 714, 733, 751, 766, 785, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

SECTION 1. SHORT TITLE. This ordinance may be cited as The Las Vegas Liquor Control Ordinance.

SECTION 2. DEFINITIONS. Whenever used in this ordinance, the following words shall have the meaning described in this section, unless the context clearly indicates a different meaning.

(1) ALCOHOL. The word "alcohol" means a product of distillation of any fermented liquor, rectified either once or oftener, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

(2) SPIRITS. The word "spirits" means any liquor which contains alcohol obtained by distillation, mixed with drinkable water and other substances in solution, including rum, brandy, whiskey and gin.

(3) WINE. The word "wine" means any alcoholic liquor obtained by the fermentation of natural sugar contents of fruits or other agricultural products containing sugar, including fortified wines such as port, sherry and champagne.

(4) BEER. The word "beer" means any liquor obtained by the alcoholic fermentation of an infusion or concoction of malt, barley and hops in drinking water.

(5) BEVERAGE. The word "beverage" means any beer or wine containing not more than 30 per centum of alcohol by weight.

(6) ALCOHOLIC LIQUOR. The words "alcoholic liquor" include the four varieties of liquor defined, (alcohol, spirits, wine and beer), and wine or beer, spirits and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage.

(7) HOTEL. The word "hotel" means every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which the one hundred (100) or more rooms are used for the sleeping accommodations of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith.

(8) RESTAURANT. The word "restaurant" means space in a suitable building kept, used, maintained, advertised, or held out to the public to be a place where meals are served and where fifty (50) or more persons may be served with meals at any one time at tables or stools.

(9) CLUB. The word "club" means an association of persons, whether incorporated or unincorporated, for the promotion of some common object (but not including associations organized for any commercial or business purpose, the object of which is money profit) owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, provided that such club shall be chartered under, or a duly recognized affiliate of any national service association or organization.

(10) TAVERN. The word "tavern" means a place where alcoholic liquors are sold at retail by drink only to the general public or by bottle for off-premise consumption, and a place where no other kind of business, except gambling, is being maintained or conducted except that in such taverns, cigars, cigarettes, tobacco, nuts, jerkey, popcorn, potato chips, and pretzels may be sold or given away. A gambling casino shall be required to obtain a separate tavern license for each bar operated in said casino. A restaurant or lunch counter may be operated in the same building with a tavern, provided, however, no lunches, foodstuffs or so-called "free-lunches" shall be either given away or sold at other than a fair and equitable price in such taverns. No tavern license shall be issued for a supermarket or a shopping center. A "tavern license." After the effective date of this authorize or allow the gift or distribution of alcoholic liquor or beverages by means of organized drawings, raffles, free or complimentary tickets, or trading stamps, and no advertising of any such proposed gift or distribution shall be permitted at any time.

(11) PACKAGE LIQUOR ESTABLISHMENT. A package liquor establishment is defined as a place where alcoholic

liquors and beverages are sold, served or otherwise lawfully distributed for consumption off of the premises. Such establishment shall have a "package liquor license." After the effective date of this ordinance a package liquor license shall not permit the sale of draft beer in such licensed establishment, except that this limitation shall not apply to those package liquor stores selling draft beer prior to the effective date of this ordinance. A "package liquor license" shall not permit or otherwise authorize or allow the gift or distribution of alcoholic liquor or beverages by means of organized drawings, raffles, free or complimentary tickets or trading stamps, and no advertising of any such proposed gift or distribution shall be permitted at any time.

(12) HOTEL LIQUOR LICENSE. A hotel liquor license shall permit the sale of package goods for room delivery only, and shall permit the maintenance of a tavern in said premises including the sale of liquors by the drink in the rooms and restaurant portion thereof, and shall only be granted to hotels with one hundred (100) rooms or more and having a dining room capable of seating fifty people at tables at one time.

(13) BEVERAGE LICENSE. Beverage licenses shall permit the sale of beer or wine containing not more than 30 percent of alcohol by weight and may be permitted in grocery stores for off-premise consumption, and in restaurants, as herein defined, for on-premise consumption, provided that such licenses are permitted under the Planning and Zoning Ordinances of the City.

(14) BEER LICENSE. Beer licenses may be permitted in a restaurant as defined herein, or in a lunch counter where in twelve (12) or more persons may be served with meals at any one time at tables or stools, or in package liquor establishments, or a hotel, or a shopping center liquor store, provided that the issuance thereof is permitted under the Planning and Zoning Ordinances of the City, and shall permit the consumption of beer on the premises.

(15) SERVICE BAR. Service bar is defined as a bar wherein drinks are prepared for service only at tables in hotels, restaurants or casinos and does not permit sales direct to customers at such bar. Service bars are permitted in hotels, restaurants with seating capacity of more than one hundred (100) persons at one time, and in casinos.

(16) SPECIAL EVENTS LICENSE. A special events license shall permit the sale of alcoholic liquor at such locations and as specified on such license, for a period of not more than one (1) week, provided that the Board of Commissioners shall have first approved the application therefor.

(17) IMPORT-WHOLESALE LICENSE.

(a) An "import-wholesale alcoholic liquor license" shall authorize the holder thereof to be the first person in possession of alcohol or spirits within the city after completion of the act of importation of such alcohol or spirits into the State of Nevada. No such license shall be issued to or be operated by any person who does not possess a valid and effective license, permit, certificate, or other authorization from the State of Nevada entitling such person to import alcohol or spirits into the State of Nevada. Every such license shall permit the maintenance of a wholesale liquor establishment where alcoholic, spirituous, or mixed alcoholic and intoxicating liquors are kept, sold, given away or otherwise lawfully distributed, contained in sealed or corked packages or kegs, and not to be consumed on the premises where so kept, given away or distributed; and are to be sold, given away or distributed to retailers only, and only in the original packages or kegs. Every wholesale liquor establishment shall keep a record of the retail city license number of each and every person to whom any sale of alcoholic or spirits is made, and shall keep an invoice of each and every sale. Such records shall at all times during business hours, be open to inspection by the City.

(b) An "import-wholesale alcoholic beverage license" shall authorize the holder thereof to be the first person in possession of wine and beer within the City after completion of the act of importation of such wine or beer into the State of Nevada. No such license shall be issued to or be operated by any person who does not possess a valid and effective license, permit, certificate or other authorization from the State of Nevada entitling such person to import wine or beer, or both, into the State of Nevada. Every such license shall permit the maintenance of a wholesale beverage establishment where wine or beer, or both, are kept, sold, given away or otherwise lawfully distributed, contained in sealed or corked packages or kegs, and not to be consumed on the premises where so kept, given away or distributed, and are to be sold, given away or distributed to retailers only, and only in the original packages or kegs. Every wholesale beverage establishment shall keep a record of the retail city license number of each and every person to whom any sale of wine or beer is made, and shall keep an invoice of each and every sale. Such records shall at all times during business hours be open to inspection by the City.

(18) GROCERY STORE, SUPER-MARKET AND DRUG STORE LIQUOR LICENSES. A grocery store, super-market, or drug store liquor license shall permit the sale of alcoholic liquors only for off-premise consumption and may be permitted in a grocery store, super market, or drug store, provided that no self-service sales shall be permitted; and provided further that the issuance thereof is permitted under the Zoning provisions of the City.

Intoxicating liquors, other than wine and beer, must be segregated and kept under the exclusive control of and sold or distributed only by an adult at least twenty-one (21) years of age. All beer and wine shall be handled only by an adult person over the age of twenty-one (21) and sold and distributed only by an adult of at least twenty-one (21) years of age. No sales shall be permitted at a grocery store, super-market, or drugstore, in quantities of less than one-half pint.

(19) PERSON. "Person" shall include a firm, association, partnership, corporation, or other entity.

(20) SHOPPING CENTER. A "shopping center" means an area consisting of not less than ten contiguous acres, including off-street parking facilities, having not less than ten stores, or segregated and partitioned separate departments, wherein diversified goods, wares and merchandise are offered for sale to the public by different owners, lessees, or operators. Said stores or separate departments need not necessarily be under one roof, or adjoining or contiguous with each other. A beverage license or beer license may be issued for a shopping center if permitted by the Planning and Zoning Ordinances of the City. A "Shopping Center Package Liquor License" may be issued to an owner, lessee, or operator who keeps, maintains and operates a separate liquor store segregated and partitioned from all other stores in said shopping center, and having a separate entrance from the street, sidewalk or shopping center area. Said store shall have a total area of not less than 1,600 square feet. Such license shall not permit the sale or other lawful distribution of alcoholic liquors and beverages for consumption on the premises, except that a shopping center package liquor licensee may also obtain a beer license as defined in subsection (14) of this section, permitting consumption on the premises. No self-service sales shall be permitted and all alcoholic liquor shall be under the exclusive control of, and sold or distributed only by an adult person at least twenty-one (21) years of age.

A "Shopping Center Package Liquor License" shall be exempt for the initial issuance of such license from the limitation of the number of package liquor licenses available for issuance, but shall thereafter be included in and be counted in any determination of the number of available package liquor licenses, and shall not be transferrable to any other location outside of said shopping center for any reason whatsoever. No more than one "Shopping Center Package Liquor" license shall be issued for any shopping center location, whether or not the same is located within a "main building", "super-market", or other location within such shopping center, provided, however, that any shopping center having a total area of not more than twenty-five (25) contiguous acres, including off-street parking facilities, and having not less than 25 stores or segregated and partitioned separate departments, wherein diversified goods, wares and merchandise are offered for sale to the public by different owners, lessees, or operators, shall be deemed to be a "Regional Shopping Center". A "Regional Shopping Center" may have two "Shopping Center Package Liquor" Licenses, only one of which may be located within a "main building" or "super-market", provided that the location of the second "Shopping Center Package Liquor" License shall be at least four hundred feet (400') from the first "Shopping Center Package Liquor" License; and provided further, that neither of such licenses may be issued to any location provided by Section 9 of this Ordinance.

SECTION 3. LICENSE REQUIRED; EXCEPTIONS.

It shall be unlawful for any person, social club or association of persons of any kind whatsoever, to sell, offer to sell, serve, give away or distribute, or cause or permit to be sold, offered for sale, served, given away or distributed, any alcoholic, spirituous, vinous, malt or intoxicating liquor, or any liquor or beverages mentioned in this ordinance in the city limits, without first making application for and securing a license so to do; provided, that such liquors and beverages may be served by a private family in its home as a part of its family life; and

provided further, that the provisions of this section shall not apply to the sale or giving away by a regularly licensed druggist of pure alcohol (with or without a physician's prescription) for medical, mechanical or scientific uses; nor shall the provisions of this section extend to physicians, surgeons, apothecaries or chemists as to any alcoholic liquor which they may use in the preparation or compounding of medicines.

SECTION 4. APPLICATION FOR LICENSE; INFORMATION TO BE SHOWN.

Whenever any person, corporation, partnership, social club or association of persons of any kind whatsoever desires to open, keep, carry on or conduct or engage in any business concerning the sale or other lawful distribution of any alcoholic liquor, except as provided in Section 3 hereof, such applicant shall make application in writing to the Board of Commissioners of the City to obtain a license therefor, and such application shall contain and set forth the following:

(a) The name and residence of the applicant and how long a resident of the city.

(b) The kind of a license desired, and the particular place for which such license is desired, and the name of the owner of the premises where such business is to be operated.

(c) All persons having any interest in the business asked to be licensed, including stockholders.

(d) A statement that if such application is approved and a license issued, it will be accepted by the applicant subject to the terms and provisions of this ordinance, and such other rules and regulations as may at any time hereafter be adopted or enacted by resolution or ordinance of the board of commissioners of the city, including an acknowledgment of the power and authority of the license department, or other authorized representative of the City of Las Vegas, to enter any store, building, or any other place in which such business is being conducted at any time during business hours for the purpose of examining the books of account of said business to ascertain the real parties in interest in said business, and all persons having interest in such business, including persons who may have loaned or otherwise advanced money for the operation and conduct of such business.

(e) The first annual license fee shall accompany the application, to be returned to applicant if the application is denied.

(f) Such application must be verified by the person submitting said application.

SECTION 5. REQUIREMENTS WHERE APPLICANT FOR LICENSE IS CORPORATION OR ASSOCIATION.

When an applicant for a license is a corporation or association, the application must be verified by its president, secretary or manager, and in addition to the matters and things hereinbefore required to be set out in the application, there shall be set forth the names and addresses of all officers and directors and the name and address of the person who shall have the management of its business for which or in connection with which a license is desired.

SECTION 6. INVESTIGATION.
Every person filing an application for a license in the City of Las Vegas required by this ordinance shall concurrently therewith deposit with the License Department an investigation fee based on the following schedule:

(a) For each beer or beverage license, the sum of \$25.00, plus an additional sum of \$25.00 for each additional person required to be licensed.

(b) For all other alcoholic liquor licenses, the sum of \$150.00, plus an additional sum of \$25.00 for each additional person required to be licensed.

(c) In the event any person shall be an applicant or member of a group of applicants, and such person shall have been previously investigated by the City of Las Vegas and shall have held a license within a preceding period of one year, no investigation fee shall be required.

(d) In the event the applicant shall be a partnership or association, each person having an interest therein and each officer thereof, and the managing agent or managing director not appearing on the license, shall be investigated and the fee for such investigation shall be \$50.00 per person. In the event the applicant shall be a corporation, each officer and director thereof, and the managing agent or managing director not appearing on the license, shall be investigated and the fee for such investigation shall be \$50.00 per person.

(e) In the event an application shall disclose that the financing of the applicant or members thereof, shall have been furnished by any other person or persons, then such lender or lenders shall be investigated, at a fee of \$150.00 per person.

(f) No investigation shall be made of any of the foregoing persons prior to the payment by the applicant of such fee to the License Department of the City of Las Vegas, and no application shall be considered until all such fees are paid and said investigation has been completed.

SECTION 7. CHARACTER AND CITIZENSHIP.

(a) No license shall be issued to any person, social club or association of persons of any kind whatsoever, unless the applicant shall have an established place of business within a zone permitting such type of license under the Planning and Zoning Ordinances of the City of Las Vegas and unless the applicant is a citizen of the United States, and of good moral character. In the event the applicant shall be a corporation or association, the managing agent thereof must be a citizen of the United States and a person of good moral character.

(b) No alcoholic liquor license shall be issued hereunder, to any person who has previously been convicted of a felony, either in the State of Nevada, or in any other state of the United States, nor to any person who has been convicted in any state or county of any crime which is considered a felony under the laws of the State of Nevada.

SECTION 8. LOCATION.

(a) No license shall be granted for the sale of alcoholic liquor unless the building in which such business is to be conducted shall face and have its main entrance from a designated street, provided, however, that the Commission may nevertheless authorize the issuance of licenses which permit the sale, service, or other lawful distribution of alcoholic liquors in specified enclosed areas which are under the supervision, management, and operation of a licensee.

(b) Shopping Center, Super-Market, Drug Store, Grocery and Package Liquor Licenses for the sale or distribution of alcoholic liquors, may at the discretion of the Board be permitted anywhere within the limits of the City in any CC, C-2, or less restrictive zone.

(c) Restaurants for the sale of beverages containing not more than 30 per centum of alcohol by weight may be licensed anywhere within the limits of the City in any CC, C-1, C-2, or less restrictive zone except as prohibited by Section (9) of this ordinance.

(d) Club licenses for the sale of beverages or alcoholic liquors may be maintained only in such places as may, in the discretion of the Board of Commissioners, be specifically designated at the time application for license therefor is made.

(e) Beverages may be sold, served or distributed by regularly licensed establishments within any CC, C-1, C-2, or less restrictive zone, within the city limits except as prohibited by Section (9) of this ordinance.

(f) Import-Wholesale Alcoholic Liquor licenses may be maintained and kept in that part of the city zoned as M-1, Light Industry and M-2, Heavy Industry, in accordance with the Planning and Zoning Ordinances of this City.

(g) Taverns may be maintained only in that portion of the City of Las Vegas bounded by Main Street on the west, Ogden Street on the north, 2nd Street on the east, Carson Street on the south, and on Fremont Street between 8th Street and 12th Street; and on 6th Street between Oakley Boulevard and San Francisco Avenue; and on North Main Street between Bonanza Road and Foremaster; and on Jackson Street from 100 feet east of "D" Street to 100 feet west of "P" Street; and on "D" Street from Monroe to Van Buren; and on each side of Charleston Boulevard, commencing at the intersection of East Charleston and Fremont Street and extending westerly along Charleston Boulevard, a distance of 1000 feet; and on each side of South Main Street from the South line of Charleston Boulevard to the intersection of South 5th and South Main at St. Louis.

Nothing contained in this ordinance shall be interpreted to permit taverns in any areas described above without complying with the Zoning Ordinance, provided, however, that hotels as defined herein, may be allowed a tavern license outside such zone if approved by the Board of Commissioners; and provided further, that any such tavern maintained by a hotel shall be separate, distinct and apart from any other business; and provided further, that this section shall not be construed to prohibit a lunch counter or restaurant from being operated in the same building; provided further that no tavern license issued to a place of business on Fremont Street between Main and Second Street, shall be transferred to any location other than a place of business located within said area.

SECTION 9. SALES WITHIN FOUR HUNDRED FEET OF SCHOOL OR CHURCH PROHIBITED.

(a) It shall be unlawful for a licensee under the provisions of this ordinance to sell, serve, give away or distribute any of the liquors or beverages mentioned in this ordinance within four hundred feet of any schoolhouse or place wherein a

public school is conducted.

(b) It shall be unlawful for any licensee under the provisions of this ordinance to sell, serve, give away or distribute any alcoholic liquor as defined in Sections 2 and 3 of this ordinance within four hundred feet (400') of any church; provided, however, this restriction shall not apply to licensees or places of business selling alcoholic liquors in a prohibited location prior to the effective date of this ordinance, or to licensees engaged in business at any approved location which would become a prohibited location by reason of the establishment of a church within 400 feet of such approved location.

SECTION 10. LIQUOR TO BE APPROVED BY UNITED STATES GOVERNMENT.

It shall be unlawful for any person, social club or association of persons of any kind whatsoever, to sell, serve, give away, or dispose of any alcoholic, spirituous, vinous or malt liquor, except such liquor as is manufactured under the supervision of or approved for sale by the United States Government.

SECTION 11. HOME DELIVERIES PROHIBITED. It shall be unlawful for any licensee under the provisions of this ordinance to make so-called "home deliveries", or to deliver any alcoholic liquor as defined in this ordinance to any private home or residence pursuant to telephone call requesting such delivery.

SECTION 12. BOARD OF COMMISSIONERS MAY AUTHORIZE, REFUSE, LIMIT, REVOKE AND SUSPEND LICENSE.

(a) The Board of Commissioners may, if the applicant for a license under this ordinance is qualified to carry on such business, approve such application and authorize the Supervisor of Licenses and Revenue to issue such license; provided, however, that said Board shall have the right to deny any application for any reason deemed sufficient by the Board and refuse to license any applicant.

(b) The Board shall have the right to limit the number of licenses which may be issued, based upon population as determined by any formula deemed sufficient by the Board, and to determine where and under what conditions alcoholic liquor may be sold, served, given away or distributed in the City.

(c) The Board shall have the right to immediately suspend at any time, and without prior notice, any license for the sale of alcoholic liquor for any violation of this ordinance; and every licensee shall be deemed to have accepted his license subject to such right of suspension without prior notice; provided, however, that an order of the Commission suspending such license shall not be made unless the Commission finds that such action is necessary for the immediate preservation of the public health, safety, morals, or general welfare of the inhabitants of the City of Las Vegas. Such order of suspension shall remain effective until further order of the Commission or final disposition of the charges upon which said Order is based. In the event of a suspension without prior notice, every such licensee shall immediately be given notice in writing of the reason or reasons for such suspension, which shall include a specification of violations of law and set forth in ordinary language the acts or omissions alleged against the licensee.

The licensee shall be given an opportunity to be heard at the next regular meeting of the Board of Commissioners. Said hearing shall permit the licensee to show cause why his license should not be suspended and shall be conducted in the manner and under the procedures provided for the revocation of business licenses in general. The licensee may waive the time hereinbefore provided for a hearing up suspension and such hearing may be held at any time thereafter which may be agreed upon; provided, however, that nothing herein shall be construed to limit the right of the Board to proceed with revocation proceedings. The Board shall also have the right, whether or not a license is suspended with or without prior notice, to require a licensee to show cause, if any, why his license should not be revoked for any violations of this ordinance, or other applicable ordinances of the City or State law. In such event, the licensee shall be given a notice in writing of the reason or reasons for such hearing, which shall include a written specification of the charges in ordinary and concise language describing the acts or omissions alleged against the licensee. Said hearing shall be conducted in the manner and under the procedures for the revocation of business licenses in general.

SECTION 13. ISSUANCE OF LICENSE.

(a) Upon the approval of an application and payment of required fees, the Supervisor of Licenses & Revenue shall issue a license for the type of business specified in said application. All licenses shall be permanent and fees therefor shall be paid semi-annually. Such license shall be prominently displayed in the place of business for which it is issued and shall be retained by the licensee as long as it is in effect.

(b) Every licensee whose semi-annual license fee is more than \$750.00 may pay such license fee in two installments as follows: 50% on the due date, and the remaining 50% within ninety (90) days after the due date.

(c) Each licensee shall be notified prior to the due date of the amount due for this license; provided, that the actual receipt by the licensee of such notice is in no case required; and provided further, that the failure of the city to notify any licensee shall in no event be construed or held to be a waiver of the payment of such license fee.

(d) Upon the approval of a sale or transfer of ownership of a business for which an alcoholic liquor license has been issued and the approval of an alcoholic liquor license for the purchaser or transferee, license fees already paid shall be refunded to the seller or transferor for the unexpired portion of the licensing period, but only in the event that the purchaser or transferee has paid in advance the license fee for a period of one year as the next succeeding licensing period.

(e) Nothing herein shall be construed to authorize the sale, transfer or assignment of an alcoholic liquor license, and no such license shall in any event be sold, assigned or transferred; provided further, that all sales or transfers of the stock or merchandise of any such licensee shall be made in compliance with applicable laws of the State of Nevada, including the Bulk Sales Act (Chapter 98, Nevada Revised Statutes).

(f) In the event the holder of an alcoholic liquor license, other than a tavern license, shall discontinue business for more than sixty (60) days without the specific approval of the Board of Commissioners, such license shall be revoked automatically, without action by said Board. In the event a tavern license is not put to active use within thirty (30) days after its issuance, or is not kept in actual use for a period of thirty (30) days, such license shall be subject to revocation; provided, however, the holder of an existing license may apply to the Board of Commissioners for an additional period of thirty (30) days. The intent of this section is that tavern licenses shall be put into actual operation and will be revoked if not used within the time prescribed.

SECTION 14. LICENSE FEES.

A. The fees for licenses provided for in this ordinance shall be, and the same are fixed and established, and the same shall be paid in advance by all persons receiving such licenses respectively, as follows:

1. For an import-wholesale alcoholic liquor license the sum of \$600.00 per semi-annual period.
2. For an import-wholesale alcoholic beverage license the sum of \$500.00 per semi-annual period.
3. For a tavern license the sum of \$750.00 per semi-annual period.
4. a) For a package liquor license or shopping center liquor license the sum of \$450.00 per semi-annual period.
b) For a package liquor license in a supermarket, grocery store or drug store, the sum of \$400.00 per semi-annual period.
5. For a beverage license the sum of \$100.00 per semi-annual period.
6. For a beer license the sum of \$100.00 per semi-annual period.
7. For a club license the sum of \$50.00 per semi-annual period.
8. For a hotel liquor license the sum of \$750.00 per semi-annual period, provided that any hotel maintaining more than one bar shall pay an additional amount of \$750.00 per semi-annual period for each bar in excess of one in number and shall pay in addition the sum of \$600.00 per semi-annual period for each service bar maintained in such hotel.
9. For a service bar license in a restaurant or casino the sum of \$600.00 per semi-annual period.
10. For a special events license for the sale of beverages the sum of \$10.00 per day, and for a special events license for the sale of liquor the sum of \$25.00 per day.

An applicant not previously licensed shall pay with the application the license fee set forth hereinabove for the appropriate type applied for, covering a one year period. After a licensee shall have held a license for one year, said license fee shall be paid semi-annually in advance, subject, however, to the provisions of subsection (b) of Section 13 of this ordinance.

B. Every license fee required by this ordinance which is not paid when the same becomes due and payable is hereby declared to be delinquent and the Supervisor of Licenses & Revenue shall thereupon add to such license fee and collect, before issuing such license, a penalty of ten per cent of such license fee so due.

delinquent (but not in any case less than fifty cents) in the event such license fee shall have been delinquent for less than fifteen (15) days. If such license fee shall have been delinquent for more than fifteen (15) days, the said Supervisor shall add to such license fee and collect before issuing such license a penalty of twenty-five per cent of such license fee so delinquent. Such penalty may also be recovered in any civil action brought in the name of the city for the recovery of the amount of license fee imposed by this ordinance. This ordinance shall not be construed to permit the operation of any business to which this ordinance applies, for any length of time whatever without having in full force and effect a proper license issued by the City, of Las Vegas.

SECTION 15. NO FINANCIAL INTEREST OF BREWER, WHOLESALER, ETC., IN RETAIL ESTABLISHMENTS.

No license shall be granted to any brewer or brewery, manufacturer of liquors or beverages, or wholesaler, who shall have any financial interest, direct or indirect, in any retail alcoholic liquor or retail beverage establishment in the City of Las Vegas.

SECTION 16. IMPORT - WHOLESALER ALCOHOLIC LIQUOR LICENSE REQUIREMENTS.

A. No Import-Wholesale Alcoholic Liquor License shall be issued to or be operated by any person who does not meet the following qualifications in connection with his premises licensed as his principal place of business: (1) Maintains warehouse and office space either owned or leased by him or dedicated to his use in a public warehouse and such space is sufficient to store at one time either (a) A stock of distilled spirits equal to 10 percent or more of his annual gross volume of distilled spirits sales to retailers within this state, or (b) A stock of distilled spirits whose cost of acquisition is Fifty Thousand Dollars (\$50,000.00), or more, and (2) sells distilled spirits to retailers generally rather than a selected few retailers. The stock of distilled spirits herein required shall be owned by him, not held on consignment and not acquired pursuant to a prior agreement to sell it to a specific licensee or licensees. A wholesaler who sells to twenty-five percent (25%) of the retailers in Clark County, Nevada, or a wholesaler whose total volume of sales of distilled spirits to retailers during any 12 month period consists of fifty percent (50%) or more of individual sales in quantities of ten cases or less shall be conclusively presumed to be selling to retailers generally.

B. No Import-Wholesale Alcoholic Beverage License shall be issued to or be operated by any person who does not meet the following qualifications in connection with his premises licensed as his principal place of business: (1) Maintains warehouse and office space either owned or leased by him or dedicated to his use in a public warehouse and such space is sufficient to store at one time either (a) A stock of wine or beer equal to ten percent (10%) or more of his annual gross volume of wine or beer sales to retailers within this state, or (b) A stock of wine or beer whose cost of acquisition is ten thousand dollars or more, and (2) Sells wine or beer to retailers generally rather than a selected few retailers. The stock of wine or beer herein required shall be owned by him, not held on consignment and not acquired pursuant to a prior agreement to sell it to a specific licensee or licensees. A wholesaler who sells to twenty-five percent (25%) of the retailers in Clark County, Nevada, or a wholesaler whose total volume of sales of wine or beer to retailers during any 12 month period consists of fifty percent (50%) or more of individual sales in quantities of ten cases or less shall be conclusively presumed to be selling to retailers generally.

Notwithstanding the provisions of this Subsection B, a limited Import-Wholesale Alcoholic Beverage License may be issued to, or be operated by, a person who complies only with the requirements of Subsection (1) hereof and who need not sell wine or beer to retailers generally and who need not own such wine or beer and may have acquired the same pursuant to a prior Agreement to sell it to a specific licensee; provided, however, that only one limited Import Wholesale Alcoholic Beverage License may be issued for each 75,000 persons, or fraction thereof, residing in the City of Las Vegas, as determined under the provisions of Section 17 of this Ordinance.

SECTION 17. LIMITATION OF NUMBER OF CERTAIN LICENSES.

(a) There shall be one package liquor license available for issuance for each 1250 persons residing in the City of Las Vegas. A grocery store, drug store, or super-market license shall be included in determining the number of such licenses which may be issued and outstanding at any one time, based upon each 1250 persons of population; provided, however, that such licenses heretofore issued by the city shall not be deemed to be prohibited or cancellable by reason of the limitation herein; and provided further, that the holder of a package liquor license heretofore issued by the appropriate governing body for a business located in an area which is subsequently annexed to the City of Las Vegas shall be entitled to a similar license under the provisions of this ordinance without regard to the population limitation provided herein, but subject, however, to all of the applicable provisions of this ordinance, including the approval or rejection of such applicant by the Board of Commissioners. If and when any package liquor license is surrendered, cancelled or revoked, no new such license shall be issued until the population of the City of Las Vegas is such that another such license is available for issuance. The Board of Commissioners hereby finds that certain outlying areas of the City are not adequately served by package liquor establishments, and further finds that when and as licenses provided in this subsection may be available for issuance, preference should be given to package liquor license businesses located in such outlying areas. Nothing herein shall be construed to require the approval of an application for a package liquor license simply because one may be available for issuance, and the Board of Commissioners may withhold the issuance of such license, in its sole discretion, and for any reason whatsoever, including the encouragement of the installation of businesses in outlying areas. From and after the effective date of this ordinance, no new package liquor license shall be issued for, and no existing package liquor license shall be transferred to any location which is within 400 feet of an existing package liquor establishment, except that this limitation shall not apply to new Shopping Center Package Liquor Licenses, or to Fremont Street between Main and Second Streets.

(b) There shall be one tavern license available for issuance for each 1250 persons residing in the City of Las Vegas. Club licenses, as defined in Subsection 9 of Section 2 of this Ordinance, shall not be included in any determination of the number of tavern licenses which may be issued and outstanding at any one time, based upon each 1250 persons of population; provided, however, that no tavern license heretofore issued by the City shall be deemed to be prohibited or cancelled by reason of the limitation herein; and provided further, that the holder of a tavern license heretofore issued by the appropriate governing body for a business located in an area which is subsequently annexed to the City of Las Vegas shall be entitled to a similar license under the provisions of this ordinance without regard

to the population limitation provided herein, but subject, however, to all of the applicable provisions of this ordinance, including the approval or rejection of such applicant by the Board of Commissioners. If and when any tavern license is surrendered, cancelled or revoked, no new such license shall be issued until the population of the City of Las Vegas is such that another such license is available for issuance. Nothing herein shall be construed to require the approval of an application for a tavern license simply because one may be available, and the Board of Commissioners may withhold the issuance of such license, in its sole discretion, and for any reason whatsoever. Hotels having one hundred (100) rooms or more, and major gaming establishments having ten (10) or more gambling devices exclusive of slot machines, shall be exempt from the initial issuance of such license from the limitation of the number of tavern licenses available for issuance, but shall thereafter be included in the foregoing limitation based on population, and shall thereafter be counted in any determination of the number of available tavern licenses. From and after the effective date of this ordinance, no new tavern license shall be issued for, and no existing tavern license shall be transferred to, any location which is within 400 feet of an existing tavern license; provided, however, that this limitation shall not apply to places of business on Fremont Street between Main and Second Streets, and licenses may be issued for or transferred to any location of business within said area.

(c) The population of the City of Las Vegas, for the purposes of this section, may be determined from time to time by the Board of Commissioners by any formula deemed sufficient by said Board, and when so determined said population shall be presumed to remain the same until the next population determination.

(d) From and after the effective date of this ordinance no package liquor license or tavern license shall be convertible or transferable into a different type of license unless such proposed transfer complies with and meets all of the requirements of this ordinance with respect to the proposed type of new or transferred license.

(e) From and after the effective date of this ordinance, no package liquor license shall be issued for, and no existing

package liquor license shall be transferred to the same location licensed as a tavern; and no new tavern license shall be issued for, and no existing tavern license shall be transferred to, the same location licensed as a package liquor establishment.

SECTION 18. SALE TO INTOXICATED PERSONS.

It shall be unlawful for any licensee under the provisions of this ordinance, or any of his servants, or employees to sell, serve or give away alcoholic liquor to any intoxicated person.

SECTION 19. SALE AT DRIVE-INS OUTSIDE OF BUILDING PROHIBITED.

It shall be unlawful for any holder of a beverage, beer, or tavern license for drive-ins, or any servants, agents or employees of such licensee, to sell, serve, give away or otherwise distribute any alcoholic liquor outside of the building described in the application of such licensee and for which such license is issued, or to sell, serve, give away or otherwise distribute any alcoholic liquor in any manner other than for consumption in the building described in the application of such licensee; provided, however, that the Commission may, for good cause shown, authorize the sale, service or other lawful distribution of alcoholic liquor in specified enclosed areas or premises under the supervision, management and operation of a licensee.

SECTION 20. SALES ON ELECTION DAY, ETC.

It shall be unlawful for any licensee to sell, serve or give away any alcoholic liquor on any election day between the hours of opening and closing of the polls on said day, as established by state law or county or city ordinance; provided, however, that the foregoing prohibition on election days shall not apply to any election at which the sole matter to be voted on therein relates to the creation or assumption of any public indebtedness to be evidenced by bonds or otherwise.

SECTION 21. SALE OF FOOD, ETC., IN TAVERNS OR GAMBLING CASINOS.

It shall be unlawful for the holder of any license under the provisions of this ordinance, or any person employed by him, to serve or give away food, except in taverns as permitted by Subsection 10 of Section 2 of this Ordinance, except that holders of beer licenses may serve or give away nuts, jerkey, popcorn, potato chips, and pretzels; and except that hors d'oeuvres may be given away in hotels or gambling casinos between the hours of 5:00 P.M. to 7:00 P.M., but then only in the event the place of service of such hors d'oeuvres, whether portable or stationary, is supervised and operated by a separate employee; and except that food may be served and sold in taverns, hotels and gambling casinos if it is sold at a fair and equitable price under a license permitting a restaurant or lunch counter operation.

SECTION 22. SALES IN CONNECTION WITH PLACES WHERE GAMBLING IS CONDUCTED.

Nothing in this ordinance shall be construed to prohibit licenses for the sale or service of alcoholic liquor in any premises wherein gambling is conducted.

SECTION 23. SALES TO MINORS

(a) It shall be unlawful for any licensee or any person employed in a place of business which sells alcoholic liquor, to sell, serve, give away, or dispense alcoholic liquor to any minor. For the purpose of this section, a person shall be deemed to be employed in a place of business which sells alcoholic liquor if he purports to have the authority to make sales, whether actually receiving a wage or not.

(b) In any criminal prosecution or proceeding for the suspension or revocation of any license based upon a violation of Subsection (a) of this Section, proof that the defendant licensee or his agent or employee, demanded and was shown, immediately prior to furnishing any alcoholic liquor to a person under the age of 21 years, bona fide documentary evidence of majority and identity of such person issued by a Federal, State, County, or Municipal Government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operators license, a registered certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces, is a defense to the criminal prosecution, or proceeding, for the suspension or revocation of any license.

(c) Penalties provided in this ordinance shall be cumulative and not exclusive, and any other proceeding under other ordinances of the City shall not be deemed prohibited by this ordinance.

SECTION 24. EMPLOYMENT OF MINORS PROHIBITED.

(a) It shall be unlawful for any licensee to employ any minor person to sell or handle any alcoholic liquor of any kind, or to permit any minor person to handle such liquor in his place of business in any way, regardless of whether such place of business may be a duly licensed restaurant, eating establishment of any kind, drug store, grocery store, shopping center, super-market, hotel, import-wholesaler, beverage licensee, beer licensee, package liquor establishment, or tavern, or other licenses, and whenever such practice is permitted, the license of such licensee shall be revoked, provided, however, that grocery store, shopping center, and super-market licensees affording "box-boy" or other delivery services from the place of sale to the conveyance of the purchaser shall be responsible under the foregoing prohibition only until the sale is completed, and that minors may nevertheless carry or transport alcoholic liquors from the place of such consummated sale to the conveyance of the purchaser, in which event such purchaser shall be deemed to have assumed full and complete ownership of and responsibility for such alcoholic liquor.

(b) It shall be unlawful for any female to prepare mixed drinks in any tavern, hotel, or service bar, unless such female is a bona fide owner of an interest in such license and is approved as a licensee for such license.

SECTION 25. INTOXICATION OF LICENSEE, EMPLOYEES, ETC.

It shall be unlawful for any licensee under the provisions of this ordinance, or any of his servants, agents or employees, to be in an intoxicated condition in or about the premises of business occupied by a tavern while such licensee, servant agent, or employee is engaged in the performance of his employment duties at such tavern.

SECTION 26. LIGHTING IN BARS.

At all times while any alcoholic beverage licensed premises are open for business the interior lighting therein shall be sufficient to make easily discernible upon immediately entering the main entrance the appearance and conduct of all persons and patrons in that portion of the premises where alcoholic beverages are sold, served, delivered or consumed. In no event shall the intensity of such interior lighting be less than 1 foot candle power light when measured at a point 30" from the floor wherever persons and patrons are sitting or standing within the premises. This section shall apply in all cases except in licensed establishments where floor shows are permitted under City Ordinance. In such cases the floor showroom lights only may be dimmed during the floor show, and at the conclusion of each floor show the lighting must then immediately be restored to the minimum standards of light intensity hereinbefore provided.

SECTION 27. REPEAL OF ORDINANCE.

Chapter 16 of the Code of Las Vegas, Nevada, and Ordinance Nos. 447, 483, 518, 524, 555, 575, 586, 632, 688, 714, 733, 751, 766, 785 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 28. PUNISHMENT.

Every person who violates any of the provisions of this ordinance (save and except the failure to pay a license fee when and as it becomes due) shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the City Jail for a period of not more than six (6) months, or by both such fine and imprisonment. In addition to such penalty, the license of every such licensee may be suspended or revoked, as provided in this ordinance.

SECTION 29. This ordinance shall be in full force and effect upon its adoption and publication as in the next section provided.

SECTION 30. The City Clerk and Clerk of the Board of Commissioners of the City of Las Vegas shall cause this ordinance to be published once a week for two successive weeks immediately following its adoption in the Las Vegas Review-Journal, a daily newspaper published in the City of Las Vegas, Nevada.

ORAN K. GRAGSON, Mayor

ATTEST:

EDWINA M. COLE, City Clerk.

The above and foregoing ordinance was first proposed and read by the title to the Board of Commissioners on the 16th day of September, 1959, and referred to the following committee composed of Commissioners Sharp and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 2nd day of March, 1960, which was a regular meeting and at said meeting held on said day the proposed ordinance was read in the manner required by law, and adopted by the following vote:

Voting "Aye": Commissioners Sharp, Fountain, Whipple and Mayor Gragson
Voting "Nay": Commissioner Eiwel
Absent: None

APPROVED:

ORAN K. GRAGSON, Mayor

ATTEST:

EDWINA M. COLE, City Clerk

March 7, 1960.