

ORDINANCE NO. 1447

AN ORDINANCE TO AMEND TITLE V, CHAPTER 18, SECTION 2, SUBSECTION (N) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO DELETE BEER LICENSES IN LUNCH COUNTERS; TO AMEND SECTION 2, SUBSECTION (R) OF SAID TITLE AND CHAPTER TO PROVIDE FOR THE EXEMPTION OF SUPERMARKETS, GROCERY STORES AND DRUG STORES HAVING IN EXCESS OF 9,000 SQUARE FEET OF RETAIL FLOOR AREA FROM THE 400 FOOT LIMITATION AND POPULATION LIMITATION; TO AMEND SECTION 4, SUBSECTION (O) OF SAID TITLE AND CHAPTER TO PROVIDE THAT THE HOLDER OF A LIQUOR LICENSE MUST BE OVER THE AGE OF TWENTY ONE YEARS; TO AMEND SECTION 7, SUBSECTION (B) OF SAID TITLE AND CHAPTER, GIVING THE BOARD OF COMMISSIONERS DISCRETIONARY POWER TO ISSUE A LIQUOR LICENSE TO AN EX-FELON; TO AMEND SECTION 14, SUBSECTION (B) TO PROVIDE FOR A 25% PENALTY FEE; TO AMEND SECTION 17 OF SAID TITLE AND CHAPTER TO PROVIDE FOR THE EXEMPTION OF SUPERMARKETS, GROCERY STORES AND DRUG STORES HAVING IN EXCESS OF 9,000 SQUARE FEET OF RETAIL FLOOR AREA FROM THE 400 FOOT LIMITATION AND POPULATION LIMITATION FOR THE PURPOSE OF ISSUING PACKAGE OR TAVERN LICENSES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Title V, Chapter 18, Section 2 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

5-18-2: DEFINITIONS: Whenever used in this Chapter, the following words shall have the meaning described in this Section, unless the context clearly indicates a different meaning:

- (A) Alcohol: The word "alcohol" means a product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and includes synthetic ethyl alcohol containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (B) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (C) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (D) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (E) Beverage: The word "beverage" means any beer or wine containing one-half of one percent or more of alcohol by volume but containing not more than thirty percentum (30%) of alcohol by weight, and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (F) Alcoholic Liquor: The words "alcoholic liquor" include the four (4) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (G) 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 two hundred (200) or more rooms are used for the sleeping accommodations of such transient guests and having one or more dining rooms each with fifty (50) or more seating capacity 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. Hotels in existence or presently holding building permits with plans for a tavern and restaurant with one hundred (100) rooms shall be exempt from this provision.

- (H) 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.
- (I) 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, a national service association or organization.
- (J) Tavern: The word "tavern" means a place where alcoholic liquors are sold at retail by drink only to the general public; a place where no other kind of business, except gambling is being maintained, or conducted. A gambling casino shall be required to obtain a separate tavern license for each bar operated in the casino. A restaurant or lunch counter may be operated in the same building with a tavern. 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.

Commencing upon adoption of this Chapter, no tavern license issued hereinafter shall permit the sale of package liquor. Existing tavern licenses shall be limited to a display of package liquor within the tavern not to exceed more than twenty four square feet (24 sq. ft.) of display area, the area that to exceed more than twelve inches (12") in depth.

- (K) Package Liquor Establishment: A package liquor establishment is de-

fined as a place where alcoholic liquors and beverages are sold, served or otherwise lawfully distributed for consumption off of the premises. Such establishments shall have a "package liquor license." A package liquor license shall not permit the sale of draught beer in such licensed establishment, except that this limitation shall not apply to those package liquor stores selling draught beer prior to the effective date of this Chapter. 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. No alcoholic liquor shall be sold through or by means of a drive-in window.

- (L) 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 the premises including the sale of liquors by the drink in the rooms and restaurant portion thereof, and shall only be granted to hotels with two hundred (200) or more rooms and having a dining room capable of seating fifty (50) people at tables at one time.
- (M) Beverage License: Beverage licenses shall permit the sale of beer or wine containing not more than thirty percentum (30%) of alcohol by weight, and may be permitted in grocery stores for off-premises consumption, and in restaurants, as herein defined, for on-premise consumption by bona fide food customers only in connection with their meals; provided, that such licenses are permitted under the planning and zoning regulations of the City.
- (N) Beer License: Beer licenses may be permitted in a restaurant as defined herein, 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 regulations of the City,

and shall permit the consumption of beer on the premises by bona fide food customers only in connection with their meals.

- (O) Service Bar: Service bar is defined as a bar wherein drinks are prepared for service only at tables or rooms in hotels, restaurants or casinos and does not permit sales direct to customers at such bar. Service bars are permitted in hotels, with a minimum of one hundred (100) rooms, or restaurants with seating capacity of one hundred (100) persons at one time, and in casinos.
- (P) 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 week; provided that the Board of Commissioners shall have first approved the application therefor.
- (Q) Import-Wholesale License: 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 permit, license, 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 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.

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.

- (R) Grocery store, supermarket and drug store liquor licenses: A grocery store, supermarket or drug store liquor license shall permit the sale of alcoholic liquors only for off-premises consumption and may be permitted in a grocery store, supermarket, or drug store provided that no self-service sales shall be permitted; provided further, it shall be unlawful to sell or offer to sell alcoholic liquor through or by means of a drive-in window; and provided further, that the issuance of a license 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) years 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, supermarket, or drug store, in quantities of less than one-half (1/2) pint.

A grocery store, supermarket or drug store licensed to sell beer and wine only shall be not less than four hundred feet (400') in distance, as defined in Section 17(C) of this Chapter, from any other grocery store, supermarket or drug store licensed for the sale of any alcoholic liquors; provided, however, that grocery stores, supermarkets and drug stores having a floor area in excess of nine thousand (9,000) square feet, exclusive of warehouse and office area, shall be exempt from said four hundred foot (400') limitation and the population ratio.

- (S) Person: "Person" shall include a firm, association, partnership, corporation or other entity.
- (T) Thirty-six (36) Lane Bowling Alley: A "bowling alley" means not less than a thirty-six (36) lane bowling alley, contiguous, under one roof, and operated by one person or firm. A tavern license may be issued to a person or firm who meets the requirements of this Chapter. The license shall be granted to a specific location and shall not be removable or transferable to any other location within the City.
- (U) Supper Club License: A "supper club license" is hereby defined as permitting a bar lounge operation in conjunction with a supper club wherein the seating capacity of the restaurant, where food is served, is one hundred (100) or more persons at one time, and wherein the restaurant operation is the principal business. The license is subject to the following limitations:
 - 1. That a separate bar lounge operation may be maintained in a divided, enclosed portion of the building with connecting entrance to the restaurant, wherein alcoholic liquor, draught or bottle beer is sold by the drink only,

and wherein the bar lounge may open for business not earlier than five o'clock (5:00) P.M. each day and close not later than three o'clock (3:00) A.M. the day following, and provided that the bar lounge shall maintain the same closing hour as the restaurant in the event the restaurant shall close earlier than three o'clock (3:00) A.M. of each day.

2. The license shall not be granted unless an applicant shall have a separate facility where guests waiting to be served in the restaurant may be seated in the event they do not desire to wait in the bar lounge.
3. The license shall not permit any printed or exterior advertising other than "cocktails and dining."
4. No person shall be entitled to or receive both a supper club license and a service bar license for the same establishment.

(V) Keg Beer Home Delivery License: A keg beer home delivery license is hereby defined as permitting delivery of not less than one-quarter (1/4) barrel size kegs to homes or other establishments within the City. The fees for such license shall be one hundred dollars (\$100.00) per semi-annual period. The application for license shall be as required for any other license in this Chapter. Keg beer shall be delivered to an individual who is not less than twenty-one (21) years of age, who shall sign a delivery receipt therefor and who shall specify the address of the delivery. No delivery shall be made to any person or individual who is not a permanent occupant of the residence or other establishment. A copy of every delivery receipt on keg beer shall be furnished to the Director of License and Revenue of the City of Las Vegas within seventy-two (72) hours after such delivery and the receipts shall be available to the Director of License and Revenue and every peace officer upon demand.

SECTION 2. Title V, Chapter 18, Section 4 of said Municipal Code is hereby amended to read as follows:

5-18-4: 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 Director of License and Revenue of the City to obtain a license therefor. The application shall contain the following information, all of which shall be filed and in possession of the Director of License and Revenue prior to commencement of processing the application through the Police Department:

- (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 Chapter, 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 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 the business to ascertain the real parties in interest in the 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) Health permit from the Clark County Health Department, if application is for transfer or newly completed or converted premises.

- (F) Fire permit from the City Fire Department, if newly completed structure.
- (G) Building permit, if new building is contemplated, from the City Building Department.
- (H) Completed application form as supplied by the City, with fingerprints, to be taken at the Police Department within twenty-four hours after filing application, together with two approximately 4" x 4" photographs of each applicant.
- (I) Necessary investigation fees.
- (J) If a partnership, an executed copy of the partnership agreement; if a corporation, a certified copy of the Articles of Incorporation.
- (K) Copy of lease, evidence of ownership, bill of sale or escrow instructions on premises.
- (L) General application form - the original and two (2) copies with necessary deposit for license fees.
- (M) Current financial statement - original and 7 copies.
- (N) Copy of proposed Certificate of Doing Business Under Fictitious Firm Name which will be filed with the Clark County Clerk, upon approval of the application.
- (O) Applicant must be a citizen of the United States and over the age of twenty one (21) years.
- (P) Each application must be completed in full and in the hands of the Director of License and Revenue thirty (30) full working days before Commission action. In the event a longer period is required for investigation, an extension of time shall be requested from the City Commission.
- (Q) If an applicant is requesting to be added to an existing license, the form thereof shall be completed - the original and 2 copies.
- (R) The first annual license fee shall accompany the application, to be returned to applicant if the application is denied.
- (S) Such application shall be verified by the person submitting the same and such person shall acknowledge that he has read and understands

and will abide by the entire liquor ordinance or any amendments thereto; provided further, each applicant shall verify that he has not or will not pay any additional amount of consideration for any transfer of license other than the amount specified in the application. In the event a misrepresentation be discovered at any time thereafter, it shall be cause for suspension or revocation as provided in this Chapter.

- (T) A profit and loss statement from the seller for the immediate past year, if application is for transfer of ownership, or any portion thereof, of a tavern or package liquor establishment. Said statement shall reflect the value of fixtures in the premises with the year of purchase, together with the make and model, the original cost, and the current sale price of such fixtures.
- (U) An estimate of the amount to be paid for the inventory of stock in trade.
- (V) No application shall be accepted by the Director of License and Revenue unless a license in a particular category is available for issuance.

SECTION 3. Title V, Chapter 18, Section 7 of said Municipal Code is hereby amended to read as follows:

5-18-7: CHARACTER AND CITIZENSHIP:

- (A) No license shall be issued to any person, social club or association or 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 Regulations of the City and unless the applicant is a citizen of the United States, and of good moral character. In the event the applicant shall be corporation or association, the managing agent thereof must be a citizen of the United States and a person of good moral character.
- (B) The Commission may, in its discretion, issue an alcoholic liquor license 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, or to any person who has been convicted in any other State or country of a crime which is considered a felony under the laws of the State of Nevada.

SECTION 4. Title V, Chapter 18, Section 14 of said Municipal Code is hereby amended to read as follows:

5-18-14: LICENSE FEES:

(A) The fees for licenses provided for in this Chapter 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 six hundred dollars (\$600.00) per semiannual period.
2. For an import-wholesale alcoholic beverage license the sum of five hundred dollars (\$500.00) per semiannual period.
3. For a tavern license the sum of seven hundred fifty dollars (\$750.00) per semiannual period.
4. Package Liquor Licenses:
 - (a) For a package liquor license or shopping center liquor license the sum of four hundred fifty dollars (\$450.00) per semiannual period.
 - (b) For a package liquor license in a supermarket, grocery store or drug store, the sum of four hundred dollars (\$400.00) per semiannual period.
5. For a beverage license the sum of one hundred dollars (\$100.00) per semiannual period.
6. For a beer license the sum of one hundred dollars (\$100.00) per semiannual period.
7. For a club license the sum of fifty dollars (\$50.00) per semiannual period.
8. For a hotel liquor license the sum of seven hundred fifty dollars (\$750.00) per semiannual period; provided that any hotel maintaining more than one (1) bar shall pay an additional amount of seven hundred fifty dollars (\$750.00) per semiannual period for each bar in excess of one (1) number and shall pay in addition

the sum of six hundred dollars (\$600.00) per semiannual period for each service bar maintained in such hotel.

9. For a service bar license in a restaurant or casino the sum of six hundred dollars (\$600.00) per semiannual period.
10. For a special events license for the sale of beverages the sum of ten dollars (\$10.00) per day, and for a special events license for the sale of liquor the sum of twenty five dollars (\$25.00) per day.
11. For a supper club license the sum of seven hundred fifty dollars (\$750.00) per semiannual period.

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 (1) year period. After a licensee shall have held a license for one (1) year, the license fee shall be paid semiannually in advance, subject, however, to the provision of Subsection (B) of Section 13 of this Chapter.

- (B) Every license fee required by this Chapter which is not paid on or before the due date is hereby declared to be delinquent; and the Director of License and Revenue shall thereupon add to such license fee and collect before issuing such license a penalty of ten percent (10%) of such license so delinquent. If such license fee shall have been delinquent for more than fifteen (15) days, the Director of License and Revenue shall add to and collect before issuing such license an additional twenty five percent (25%) penalty fee 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 Chapter. This Chapter shall not be construed to permit the operation of any business to which this Chapter applies for any length of time whatever without having in full force and effect a proper license issued by the City.

SECTION 5. Title V, Chapter 18, Section 17 of said Municipal Code is hereby amended to read as follows:

5-18-17: (A) With the exception of supermarkets, grocery stores and drug stores having in excess of 9,000 square feet of retail floor space, there shall be one license, either tavern or package, excluding present and future bowling alleys of 24 lanes or more, major casinos and hotels of 200 rooms or more, available for issuance for each one thousand three hundred (1,300) persons residing in the City. Club licenses as defined in Subsection (I) of Section 2 of this Chapter shall not be included in any determination of the number of licenses which may be issued and outstanding at any one time based upon each one thousand three hundred (1,300) persons of population; provided, however, that no 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 license heretofore issued by the appropriate governing body for a business located in an area which is subsequently annexed to the City shall be entitled to a similar license under the provisions of this Chapter without regard to the population limitation provided herein, but shall be thereafter subject to said limitation and to all other applicable provisions of this Chapter. If an when any license is surrendered, cancelled or revoked, no such new license shall be issued until the population of the City 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 or package license simply because one may be available, and the Board of Commissioners may withhold the issuance of such license in its sole discretion for any reason whatsoever. Hotels having two hundred (200) rooms or more and one or more dining rooms, and major gaming establishments having ten (10) or more gambling devices, exclusive of slot machines, and bowling alleys of thirty-six (36) lanes or more, shall be exempt from the population

- limitation of the number of tavern licenses available for issuance.
- (B) From and after the effective date of this Chapter, no new tavern or package liquor license shall be issued for, and no existing package or tavern liquor license shall be transferred to, any location which is within four hundred feet (400') of an existing tavern or package establishment; however, at the discretion of the Mayor and Board of Commissioners, supermarkets, grocery stores and drug stores having in excess of 9,000 square feet of retail floor space, may be exempt from said four hundred foot (400') limitation. Provided, further, that said four hundred foot (400') limitation shall not apply to the following locations: All frontage on both sides of Main Street, First Street, Casino Center Boulevard, Third Street and Fourth Street between Stewart Avenue on the north and Bridger Avenue on the south; all frontage on the west side of Las Vegas Boulevard between Stewart Avenue on the north and Bridger Avenue on the south; all frontage on both sides of Ogden Avenue, Fremont Street and Carson Avenue between Main Street on the west and Las Vegas Boulevard on the east; and on Jackson Street from one hundred feet (100') east of "D" Street to one hundred feet (100') west of "F" Street; and on "D" Street from Monroe to Van Buren; provided, further, that the four hundred foot (400') limitation shall not apply to hotels with two hundred (200) rooms or more wherever the same may be located; and provided, further, that no tavern license issued to a major gambling establishment or a hotel with two hundred (200) rooms or more shall be transferred from the place of issuance.
- (C) The four hundred foot (400') limitation as defined in Subsection (B) above shall be measured between door to door from each establishment by the nearest direct line and the measurements shall be either actual or by mechanical calculation in the event there are obstructions between the licenses, and the Board of Commissioners is hereby empowered to make findings from the

measurements or calculations which shall be conclusive.

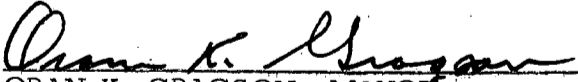
- (D) The population of the City for the purposes of this Section may be determined from time to time by the Board of Commissioners by any formula deemed sufficient by the Board, and when so determined, the population shall be presumed to remain the same until the next population determination.
- (E) 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 Chapter with respect to the proposed type of new or transferred license.
- (F) 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 6. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

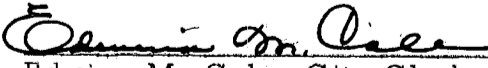
SECTION 7. All ordinances or parts of ordinances, sections, subsections, phrases, clauses, sentences or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 4th day of March, 1970.

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 18th day of February, 1970, and referred to the following committee composed of Commissioners Howery and Thornley for recommendation; thereafter the said committee reported favorably on said ordinance on the 4th day of March, 1970, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners, as amended, and adopted the the following vote:

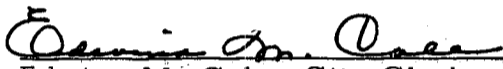
VOTING "AYE": Commissioners Coblentz, Thornley, Howery, Corey and Mayor Gragson

VOTING "NAY": None ABSENT: None

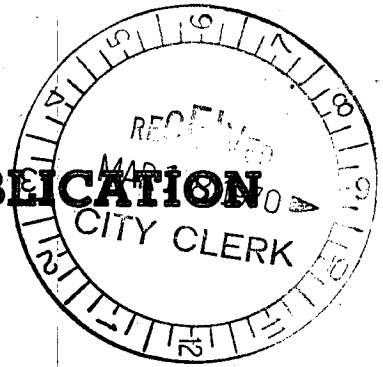
APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

AFFIDAVIT OF PUBLICATION



STATE OF NEVADA,
COUNTY OF CLARK { ss.

Robert E. Hunter, being first duly sworn,

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

Two times in two weeks (once a week)

from March 10, 1970 to March 17, 1970

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

March 10, 17, 1970

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

Signed R. E. Hunter

Subscribed and sworn to before me this 17th
day of March, 1970

Ruthie V. Deskin

My Commission Expires

Notary Public for and in Clark County, Nevada
RUTHIE V. DESKIN
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 14, 1973



ORDINANCE NO. 147

AN ORDINANCE TO AMEND TITLE V, CHAPTER 18, SECTION 2, SUBSECTION (N) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, TO OLEATE BEER LICENSES IN LUNCH COUNTERS; TO AMEND SECTION 2, SUBSECTION (R) OF SAID TITLE AND CHAPTER TO PROVIDE FOR THE EXEMPTION OF SUPERMARKETS, GROCERY STORES AND DRUG STORES HAVING IN EXCESS OF 9,000 SQUARE FEET OF RETAIL FLOOR AREA FROM THE 400 FOOT LIMITATION AND POPULATION LIMITATION; TO AMEND SECTION 4, SUBSECTION (O) OF SAID TITLE AND CHAPTER TO PROVIDE THAT THE HOLDER OF A LIQUOR LICENSE MUST BE OVER THE AGE OF TWENTY ONE YEARS; TO AMEND SECTION 7, SUBSECTION (B) OF SAID TITLE AND CHAPTER, GIVING THE BOARD OF COMMISSIONERS DISCRETIONARY POWER TO ISSUE A LIQUOR LICENSE TO AN EX-FELON; TO AMEND SECTION 14, SUBSECTION (B) TO PROVIDE FOR A 25 PERCENT PENALTY FEE; TO AMEND SECTION 17 OF SAID TITLE AND CHAPTER TO PROVIDE FOR THE EXEMPTION OF SUPERMARKETS, GROCERY STORES AND DRUG STORES HAVING IN EXCESS OF 9,000 SQUARE FEET OF RETAIL FLOOR AREA FROM THE 400 FOOT LIMITATION AND POPULATION LIMITATION FOR THE PURPOSE OF ISSUING PACKAGE OR TAVERN LICENSES; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORIGIN AS FOLLOWS:

SECTION 1. Title V, Chapter 18, Section 2 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

5-18-2: DEFINITIONS: Whenever used in this Chapter, the following words shall have the meanings described in this Section, unless the context clearly indicates a different meaning:

(A) Alcohol: The word "alcohol" means a product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and includes synthetic ethyl alcohol containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.

(B) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.

(C) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.

(D) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.

(E) Beverage: The word "beverage" means any beer or wine containing one-half of one percent or more of alcohol by volume but containing not more than thirty percentum (30%) of alcohol by weight, and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.

(F) Alcoholic Liquor: The words "alcoholic liquor" include the four (4) 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 containing one-half of one percent or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed or combined with other substances.

(G) 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 two hundred (200) or more rooms are used for the sleeping accommodations of such transient guests and having one or more dining rooms each with fifty (50) or more seating capacity 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. Hotels in existence or presently holding building permits with plans for a tavern and restaurant with one hundred (100) rooms shall be exempt from this provision.

(H) 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.

(I) 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 or 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, a national service association or organization.

(J) Tavern: The word "tavern" means a place where alcoholic liquors are sold at retail by drink only to the general public; a place where no other kind of business, except gambling is being maintained, or conducted. A gambling casino shall be required to obtain a separate tavern license for each bar operated in the casino. A restaurant or lunch counter may be operated in the same building with a tavern. 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.

Commencing upon adoption of this Chapter, no tavern license issued hereinafter shall permit the sale of package liquor. Existing tavern licenses shall be limited to a display of package liquor within the tavern not to exceed more than twenty four square feet (24 sq. ft.) of display area, the area that to exceed more than twelve inches (12") in depth.

(K) 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 establishments shall have a "package liquor license." A package liquor license shall not permit the sale of draught beer in such licensed establishment, except that this limitation shall not apply to those package liquor stores selling draught beer prior to the effective date of this Chapter. 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. No alcoholic liquor shall be sold through or by means of a drive-in window.

(L) 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 the premises including the sale of liquors by the drink in the rooms and a portion thereof, and shall be granted to hotels with two hundred

(200) or more rooms and having a dining room capable of seating fifty (50) people at tables at any one time.

(M) Beverage License: Beverage licenses that permit the sale of beer or wine containing not more than thirty percentum (30%) of alcohol by weight, and may be permitted in grocery stores for off-premises consumption, and in restaurants, as herein defined, for on-premise consumption by bona fide food customers only in connection with their meals; provided, that such licenses are permitted under the planning and zoning regulations of the City.

(N) Beer License: Beer licenses may be permitted in a restaurant as defined herein, 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 regulations of the City, and shall permit the consumption of beer on the premises by bona fide food customers only in connection with their meals.

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

(P) 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 week; provided that the Board of Commissioners shall have first approved the application therefor.

(Q) Import-Wholesale License: An "import-wholesale alcoholic liquor license" shall authorize the holder thereof to be the first person in possession of alcohol of spirits within the City after completion of the act of importation of such alcohol of 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 permit, license, 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 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.

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.

(R) Grocery store, supermarket and drug store liquor licenses: A grocery store, supermarket or drug store liquor license shall permit the sale of alcoholic liquors only for off-premises consumption and may be permitted in a grocery store, supermarket, or drug store provided that no self-service sales shall be permitted; provided further, it shall be unlawful to sell or offer to sell alcoholic liquor through or by means of a drive-in window; and provided further, that the issuance of a license 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) years 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, supermarket, or drug store, in quantities of less than one-half (1/2) pint.

A grocery store, supermarket or drug store licensed to sell beer and wine only shall be not less than four hundred feet (400') in distance, as defined in Section 17(C) of this Chapter, from any other grocery store, supermarket or drug store licensed for the sale of any alcoholic liquors; provided, however, that grocery stores, supermarkets and drug stores having a floor area in excess of nine thousand (9,000) square feet, exclusive of warehouse and office area, shall be exempt from said four hundred foot (400') limitation and the population ratio.

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

(T) Thirty-six (36) Lane Bowling Alley: A "bowling alley" means not less than a thirty-six (36) lane bowling alley, contiguous, under one roof, and operated by one person or firm. A tavern license may be issued to a person or firm who meets the requirements of this Chapter. The license shall be granted to a specific location and shall not be removable or transferable to any other location within the City.

(U) Supper Club License: A "supper club license" is hereby defined as permitting a bar lounge operation in conjunction with a supper club wherein the seating capacity of the restaurant, where food is served, is one hundred (100) or more persons at one time, and wherein the restaurant operation is the principal business. The license is subject to the following limitations:

1. That a separate bar lounge operation may be maintained in a divided, enclosed portion of the building with connecting entrance to the restaurant, wherein alcoholic liquor, draught or bottle beer is sold by the drink only, and wherein the bar lounge may, open for business not earlier than five o'clock (5:00) P.M. each day and close not later than three o'clock (3:00) A.M. the day following, and provided that the bar lounge shall maintain the same closing hour as the restaurant in the event the restaurant shall close earlier than three o'clock (3:00) A.M. of each day.

2. The license shall not be granted unless an application shall have a separate facility where guests waiting to be served in the restaurant may be seated in the event they do not desire to wait in the bar lounge.

3. The license shall not permit any printed or exterior advertising other than "cocktails and dining."

4. No person shall be entitled to or receive both a supper club license and a service bar license for the same establishment.

(V) Keg Beer Home Delivery License: A keg beer home delivery license is hereby defined as permitting delivery of not less than one-quarter (1/4) barrel size kegs to homes or other establishments within the City. The fees for such license shall be one hundred dollars (\$100.00) per semi-annual period. The application for license shall be as required for any other license in this Chapter. Keg beer shall be delivered to an individual who is not less than twenty-one (21) years of age, who shall sign a delivery receipt therefor and who shall specify the address of the delivery. No delivery shall be made to any person or individual who is not a permanent occupant of the residence or other establishment. A copy of every delivery receipt for keg beer shall be furnished to the Director of License and Revenue of the City of Las Vegas within seventy-two (72) hours after such delivery and the receipts shall be available to the Director of License and Revenue and every peace officer upon demand.

(Continued on Page 30)

SECTION 2. Title V, Chapter 18, Section 4 of said Municipal Code is hereby amended to read as follows:

5-18-4: 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 Director of License and Revenue of the City to obtain a license therefor. The application shall contain the following information, all of which shall be filed and in possession of the Director of License and Revenue prior to commencement of processing the application through the Police Department:

(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 Chapter, and such other rules and regulations, as may at any time hereafter be adopted or enacted by resolution or order 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 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 or account of the business to ascertain the real parties in interest in the 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) Health permit from the Clark County Health Department, if application is for transfer or newly completed or converted premises.

(F) Fire permit from the City Fire Department, if newly completed structure.

(G) Building permit, if new building is contemplated, from the City Building Department.

(H) Completed application form as supplied by the City, with fingerprints, to be taken of the Police Department within twenty-four hours after filing application, together with two approximately 4"x4" photographs of each applicant.

(I) Necessary investigation fees.

(J) If a partnership, an executed copy of the partnership agreement; if a corporation, a certified copy of the Articles of Incorporation.

(K) Copy of lease, evidence of ownership, bill of sale or escrow instructions on premises.

(L) General application form — the original and two (2) copies with necessary deposit for license fees.

(M) Current financial statement — original and 7 copies.

(N) Copy of proposed Certificate of Doing Business Under Fictitious Firm Name which will be filed with the Clark County Clerk, upon approval of the application.

(O) Applicant must be a citizen of the United States and over the age of twenty one (21) years.

(P) Each application must be completed in full and in the hands of the Director of License and Revenue thirty (30) full working days before Commission action. In the event a larger period is required for investigation, an extension of time shall be requested from the City Commission.

(Q) If an applicant is requesting to be added to an existing license, the form thereof shall be completed — the original and 2 copies.

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

(S) Such application shall be verified by the person submitting the same and such person shall acknowledge that he has read and understands and will abide by the entire liquor ordinance or any amendments thereto; provided further, each applicant shall verify that he has not or will not pay any additional amount of consideration for any transfer of license other than the amount specified in the application. In the event a misrepresentation is discovered at any time thereafter, it shall be cause for suspension or revocation as provided in this Chapter.

(T) A profit and loss statement from the seller for the immediate past year, if application is for transfer of ownership, or any portion thereof, of a tavern or package liquor establishment. Said statement shall reflect the value of fixtures in the premises with the year of purchase, together with the make and model, the original cost, and the current sale price of such fixtures.

(U) An estimate of the amount to be paid for the inventory of stock in trade.

(V) No application shall be accepted by the Director of License and Revenue unless a license in a particular category is available for issuance.

SECTION 2. Title V, Section 4 of said Municipal Code is hereby amended to read as follows:

5-18-7 CHARACTER AND CITIZENSHIP:

(A) No license shall be issued to any person, social club or association or 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 Regulations of the City and unless the applicant is a citizen of the United States, and of good moral character. In the event the applicant shall be corporation or association, the managing agent thereof must be a citizen of the United States and a person of good moral character.

(B) The Commission may, in its discretion, issue an alcoholic liquor license to any person who has previously been convicted of a felony, either in the State of Nevada or any other State of the United States, or to any person who has been convicted in any other State or country of a crime which is considered a felony under the laws of the State of Nevada.

SECTION 4. Title V, Chapter 18, Section 14 of said Municipal Code is hereby amended to read as follows:

5-18-14: LICENSE FEES:

(A) The fees for licenses provided for in this Chapter 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 six hundred dollars (\$600.00) per semiannual period.

2. For an import-wholesale alcoholic beverage license the sum of five hundred dollars (\$500.00) per semiannual period.

3. For a tavern license the sum of seven hundred fifty dollars (\$750.00) per semiannual period.

4. Package Liquor Licenses:
(a) For a package liquor license or shopping center liquor license the sum of four hundred fifty dollars (\$450.00) per semiannual period.

(b) For a package liquor license in a supermarket, grocery store or drug store, the sum of four hundred dollars (\$400.00) per semiannual period.

5. For a beverage license the sum of one hundred dollars (\$100.00) per semiannual period.

6. For a beer license the sum of one hundred dollars (\$100.00) per semiannual period.

7. For a club license the sum of fifty dollars (\$50.00) per semiannual period.

8. For a hotel liquor license the sum of seven hundred fifty dollars (\$750.00) per semiannual period; provided that any hotel maintaining more than one (1) bar shall pay an additional amount of seven hundred fifty dollars (\$750.00) per semiannual period for each bar in excess of one (1) number and shall pay in addition the sum of six hundred dollars (\$600.00) per semiannual period for each service bar maintained in such hotel.

9. For a service bar license in a restaurant or casino the sum of six hundred dollars (\$600.00) per semiannual period.

10. For a special events license for the sale of beverages the sum of ten dollars (\$10.00) per day, and for a special events license for the sale of liquor the sum of twenty five dollars (\$25.00) per day.

11. For a supper club license the sum of seven hundred fifty dollars (\$750.00) per semiannual period.

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 (1) year period. After a licensee shall have held a license for one (1) year, the license fee shall be paid semiannually in advance, subject, however, to the provision of Sub-section (B) of Section 13 of this Chapter.

(B) Every license fee required by this Chapter which is not paid on or before the due date is hereby declared to be delinquent; and the Director of License and Revenue shall thereupon add to such license fee and collect before issuing such license a penalty of ten percent (10%) of such license so delinquent. If such license fee shall have been delinquent for more than fifteen (15) days, the Director of License and Revenue shall add to and collect before issuing such license an additional twenty five per cent (25%) penalty fee 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 Chapter. This Chapter shall not be construed to permit the operation of any business to which this Chapter applies for any length of time whatever without having in full force and effect a proper license issued by the City.

SECTION 5. Title V, Section 17 of said Municipal Code is hereby amended to read as follows:

5-18-17: (A) With the exception of supermarkets, grocery stores and drug stores having in excess of 9,000 square feet of retail floor space, there shall be one license, either tavern or package, excluding present and future bowling alleys of 24 lanes or more, major casinos, and hotels of 200 rooms or more, available for issuance for each one thousand three hundred (1,300) persons residing in the City. Club licenses as defined in Subsection (1) of Section 2 of this Chapter shall not be included in any determination of the number of licenses which may be issued and outstanding at any one time based upon each one thousand three hundred (1,300) persons of population; provided, however, that no 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 license heretofore issued by the appropriate governing authority to a business located in an area which has subsequently amended to this City shall be entitled to a license under the provisions of this Chapter without regard to the population limitation provided herein, but shall be thereafter subject to said limitation and to all other applicable provisions of this Chapter. If and when any license is surrendered, cancelled or revoked, no such new license shall be issued until the population of the City 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 or package license simply because one may be available, and the Board of Commissioners may withhold the issuance of such license in its sole discretion for any reason whatsoever. Hotels having two hundred (200) rooms or more and one or more dining rooms, and major gaming establishments having ten (10) or more gambling devices, exclusive of slot machines, and bowling alleys of thirty-six (36) lanes or more, shall be exempt from the population limitation of the number of tavern licenses available for issuance.

(B) From and after the effective date of this Chapter, no new tavern or package liquor license shall be issued for, and no existing package or tavern liquor license shall be transferred to, any location which is within four hundred feet (400') of an existing tavern or package establishment; however, at the discretion of the Mayor and Board of Commissioners, supermarkets, grocery stores and drug stores having in excess of 9,000 square feet of retail floor space, may be exempt from said four hundred foot (400') limitation. Provided, further, that said four hundred foot (400') limitation shall not apply to the following locations: All frontage on both sides of Main Street, First Street, Casino Center Boulevard, Third Street and Fourth Street between Stewart Avenue on the north and Bridger Avenue on the south; all frontage on the west side of Las Vegas Boulevard between Stewart Avenue on the north and Bridger Avenue on the south; all frontage on both sides of Ogden Avenue, Fremont Street and Carson Avenue between Main Street on the west and Las Vegas Boulevard on the east; and on Jackson Street from one hundred feet (100') east of "D" Street to one hundred feet (100') west of "F" Street; and on "D" Street from Monroe to Van Buren; provided, further, that the four hundred foot (400') limitation shall not apply to hotels with two hundred (200) rooms or more wherever the same may be located; and provided, further, that no tavern license issued to a major gambling establishment or a hotel with two hundred (200) rooms or more shall be transferred from the place of issuance.

(C) The four hundred foot (400') limitation as defined in Subsection (B) above shall be measured between door to door from each establishment by the nearest direct line and the measurements shall be either actual or by mechanical calculation in the event there are obstructions between the licenses, and the Board of Commissioners is hereby empowered to make findings from the measurements or calculations which shall be conclusive.

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

(E) 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 Chapter with respect to the proposed type of new or transferred license.

(F) 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 6. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the city jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 7. All ordinances or parts of ordinances, sections, subsections, phrases, clauses, sentences or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 4th day of March, 1970.

APPROVED:
(s) ORAN K. GRAGSON,
Mayor.

ATTEST:
(s) EDWINA M. COLE,
City Clerk.
(SEAL)

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 18th day of February, 1970, and referred to the following committee composed of Commissioners Howery and Thornley for recommendation; thereafter the said committee reported favorably on said ordinance on the 4th day of March, 1970, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners, as amended, and adopted by the following vote:

VOTING "AYE": Commissioners Cahlentz, Thornley, Howery and Mayor Gragson.
VOTING "NAY": None.
ABSENT: None.

APPROVED:
(s) ORAN K. GRAGSON,
Mayor.

ATTEST:
(s) EDWINA M. COLE,
City Clerk.
(SEAL)
Pub.: March 10, 17, 1970.