

ORDINANCE NO. 1402

AN ORDINANCE TO AMEND ORDINANCE NO. 1393 AND TO AMEND TITLE V, CHAPTER 18, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, PROVIDING FOR AN EXEMPTION FROM THE 400 FOOT LIMITATION FOR ALL FRONTAGE ON FOURTH STREET AND THE WEST SIDE OF LAS VEGAS BOULEVARD BETWEEN STEWART AVENUE ON THE NORTH AND BRIDGER AVENUE ON THE SOUTH FOR THE PURPOSE OF ISSUING PACKAGE OR TAVERN LICENSES; PROVIDING FOR 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. Ordinance No. 1393 and Title V, Chapter 18, Section 17 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

5-18-17: LIMITATION ON NUMBER OF CERTAIN LICENSES:

(A) There shall be one (1) package liquor license excluding present and future automatic category licenses available for issuance for each eighteen hundred (1800) persons residing in the City. 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 shall be entitled to a similar license under the provisions of this Chapter without regard to the population limitation provided herein, but thereafter shall be subject to said limitation, and to all of the applicable provisions of this Chapter. If and when any package liquor license is surrendered, canceled or revoked, no such new license shall be issued until the population of the City is such that another license is available for issuance. The Board of Commissioners hereby finds that certain outlying areas of the City are not adequately served by the 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.

(B) There shall be one (1) tavern license, excluding present and future automatic category licenses, available for issuance for each two thousand seven hundred fifty (2,750) 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 tavern licenses which may be issued and outstanding at any one time based upon each two thousand seven hundred fifty (2,750) persons of population; provided, however, that no tavern license heretofore issued by the City shall be deemed to be prohibited or canceled 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 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 and when any tavern license is surrendered, canceled 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 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) or more lanes, shall be exempt from

the population limitation of the number of tavern licenses available for issuance.

(C) 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; provided, further, that this 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.

(D) The four hundred foot (400') limitation as defined in subsection (C) 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.

(E) 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.

(F) 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.

(G) 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 2. 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 3. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses 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 21st day of May, 1969.

ATTEST:

Edwina M. Cole
Edwina M. Cole, City Clerk

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON, Mayor

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 2nd day of April, 1969, and referred to the following committee composed of Commissioners Mirabelli and Howery for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of May, 1969, 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 Howery, Corey and Mirabelli

VOTING "NAY": Commissioner Stewart and ABSENT: None
Mayor Gragson

ATTEST:

Edwina M. Cole
Edwina M. Cole, City Clerk

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON, Mayor

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

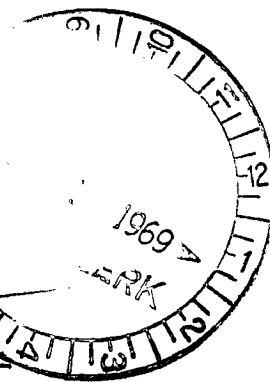
Louie Muratore Being first duly sworn, deposes and says that he is foreman for the LAS VEGAS REVIEW JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of two insertions from period of May 24, 1969 to May 31, 1969 inclusive, being the issue of said newspaper for the following dates, to wit:

May 24, 31, 1969

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

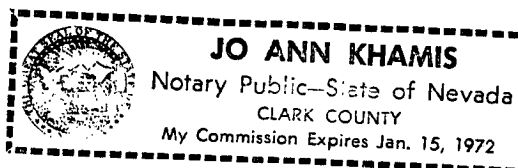
SIGNED

Louie Muratore
LOUIE MURATORE



Subscribed and sworn to before me this 31st day
of May, 19 69.

Jo Ann Khamis
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA



1st Amendment
ORDINANCE NO. 1392
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PASSED, ADOPTED AND APPROVED this 21st day of May, 1969.

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 2nd day of April, 1969, and referred to the following committee composed of Commissioners Mirabelli and Howerly for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of May, 1969, 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 Howerly, Corey and Mirabelli

VOTING "NAY": Commissioner Stewart

and Mayor Gragson

ABSENT: None

ATTEST:
 (s) Edwina M. Cole
 City Clerk

APPROVED:
 (s) Oran K. Gragson,
 Mayor

(SEAL)
 May 24, 31, 1969