

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIRST AMENDMENT

BILL NO. 2007-29

ORDINANCE NO. 5913

AN ORDINANCE TO ADD "PERMANENT TRADE SHOW FACILITY" AS A LIQUOR LICENSING CATEGORY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director
Department of Finance and Business Services

Summary: Adds "permanent trade show facility" as a liquor licensing category.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

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

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

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

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

"Banquet facility" means any business establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such establishment may or may not include:

- (1) Kitchen facilities for the preparation or catering of food.
- (2) Outdoor gardens or reception facilities.

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

"Commercial center" means a concentration of retail stores that:



- 1 (1) Contains at least eighty thousand square feet of retail space enclosed within a building
2 or buildings;
- 3 (2) Contains at least one anchor retail store of at least twenty thousand square feet;
- 4 (3) Includes a parking lot common to the retail stores; and
- 5 (4) Is situated on at least fifteen gross acres of land.

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

- 7 (1) Offers for sale prepackaged food products, household items and other goods commonly
8 associated with those products and items, provided that not more than thirty percent of its retail
9 inventory is devoted to alcoholic beverages; and
- 10 (2) Contains not less than one thousand-two hundred square feet, nor more than five
11 thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and office
12 areas.

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

18 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate obtained
19 from the fermentation of the natural contents of fruits or other agricultural products containing natural
20 or added sugar, which contains not more than ten percent of alcohol by volume.

21 “Downtown entertainment overlay district” means that area of the City bounded by Ogden Avenue
22 on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street on the east.

23 “Drugstore” means a business establishment which occupies the entire business premises of a
24 building, or a portion of the business premises of a building which is segregated physically or spatially
25 from the rest of the business premises, where a State licensed pharmacist is present at all times the
26 pharmacy operation is open for the purpose of compounding or dispensing, or both compounding and
27 dispensing of drugs and medicines, and where a grill and fountain service is permitted as well as the
28 retail sales of sundries, including stationery, magazines, cosmetics and health items.

1 “Dues” means fees paid on a monthly, quarterly, semiannual or annual basis for the right to participate
2 in the planning of activities and the utilization of services offered by a nonprofit corporation,
3 association or organization. The term “dues” does not include fees paid for the purchase of drinks,
4 meals or other services offered by a nonprofit corporation, association or organization.

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

9 “Groceries” means staple food stuffs, dairy products, meats and produce meant for human
10 consumption; articles used in the preparation of food; and household supplies.

11 “Grocery store” means a business establishment which occupies all of the business premises of a
12 building or a portion of the business premises of a building which is segregated physically or spatially
13 from the rest of the business premises, and which contains more than five thousand square feet of floor
14 space for the display and sale of groceries, exclusive of warehouse and office space.

15 “Hotel lounge bar” means a bar located in a lounge area of a hotel where alcoholic beverages are sold
16 for consumption in specified areas only.

17 “Liquor caterer” means a person who dispenses, serves or sells alcoholic beverages only for
18 consumption on the premises where the same are dispensed, served or sold during the times, dates and
19 places specified by permit.

20 “Liquor store” means a specialty retail store which does not allow entry to minors and which deals
21 exclusively in alcoholic liquors and related items including magazines, newspapers and packaged
22 snack foods.

23 “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages of any name or
24 description, brewed or produced from malt, wholly or in part.

25 “Meal” means an assortment of food listed on a menu or otherwise offered as entrees, appetizers, side
26 items and desserts available at various hours of the day. The term “meal” does not include food listed
27 on a menu or otherwise offered that consists solely of sandwiches or salads, or both sandwiches and
28 salads.

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

- 3 (1) Is organized or qualified to do business and operate under the laws of the State;
- 4 (2) Has tax-exempt status granted by the United States Internal Revenue Service;
- 5 (3) Has a membership of at least one hundred members who are twenty-one years of age
6 or older and who pay dues to the nonprofit corporation, association, or organization; and
- 7 (4) Operates a clubhouse, clubroom or meeting room in a permanent location which it
8 owns or leases.

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

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

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

17 "Permanent trade show facility" means a parcel or contiguous parcels of land with one or more
18 buildings located thereon consisting of a minimum of two hundred-fifty thousand square feet of floor
19 space used primarily to conduct one or more permanent trade shows annually, at which members of
20 the general public are not admitted.

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

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

28 "Sale" means the act of selling and, in connection therewith, "sell" means, for compensation or any

1 other private or public business purpose at a commercial location, to sell, serve, give away, or
2 distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the
3 intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell,
4 serve, give away or distribute.

5 “Specialty merchandise store” means a retail store located within a commercial center that:

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

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

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

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

13 “Supper club” means a restaurant and bar operation with alcoholic beverage sales wherein the bar area
14 is separated from the restaurant area by a barrier sufficient to prevent access to the bar area by minors
15 and the restaurant operation is the principal portion of the business.

16 “Wedding chapel” means a business establishment that is licensed to perform marriages in accordance
17 with State law.

18 “Wholesale dealer” or “wholesaler” means a person who sells alcoholic beverages for the purposes
19 of resale.

20 “Wine” means any alcoholic beverage, other than beer, obtained by the fermentation of the natural
21 contents of fruits or other agricultural products containing natural or added sugar, which contains not
22 more than twenty-two percent of alcohol by volume.

23 SECTION 2: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
25 6.50.175, reading as follows:

26 **6.50.175:** (A) A permanent trade show facility alcoholic beverage license authorizes the sale
27 of alcoholic beverages for consumption on the premises of a permanent trade show facility, provided
28 the condition set forth in Subsection (B) is satisfied.

1 (B) If requested by the Director or Metro on an event by event basis, the licensee
2 shall require that alcoholic beverages be sold and consumed only in a segregated and secured area
3 wherein only persons twenty-one years of age or older are permitted to enter.

4 SECTION 3: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
6 6.50.355, reading as follows:

7 **6.50.355:** (A) An exhibitor at a permanent trade show shall not sell alcoholic beverages at his
8 or her exhibit without first securing and maintaining an unexpired exhibitor alcoholic beverage permit
9 issued by the Department under a permanent trade show facility alcoholic beverage license.

10 (B) Permits shall not be issued by the Department without the written consent of
11 the permanent trade show facility alcoholic beverage licensee of the facility where the exhibit is
12 located.

13 (C) Permit applications shall be made on forms provided or approved by the
14 Department and filed with the Department by the permanent trade show facility alcoholic beverage
15 licensee not later than thirty days prior to the proposed event unless otherwise authorized by the
16 Director or his or her designee upon a showing of the impracticability of the licensee's compliance
17 with the advance filing requirement.

18 (D) The permit application shall set forth the following information and
19 documentation:

20 (1) Name and address of the applicant;
21 (2) Dates of the permanent trade show;
22 (3) Name and address of the permanent trade show facility where the
23 permanent trade show will be held;

24 (4) Written confirmation by the permanent trade show facility alcoholic
25 beverage licensee at the above-named permanent trade show facility that it consents to the applicant
26 being granted a permit under its alcoholic beverage license; and

27 (5) Types of alcoholic beverages to be served.

28 (E) Each event requires a separate permit.

1 (F) A nonrefundable fee of twenty-five dollars for each permit requested must be
2 paid when the application for a permit is filed.

3 (G) Permit applicants shall not be subject to the background and suitability approval
4 requirements of LVMC Chapter 6.06 and the work card and alcohol awareness training requirements
5 of this Chapter, but shall comply with all other provisions of this Chapter that are not inconsistent with
6 the provisions of this Section.

7 (H) Applicants shall sell alcoholic beverages only at the locations within a
8 permanent trade show facility and on the dates designated in their permits.

9 (I) The permanent trade show facility alcoholic beverage licensee shall be
10 responsible to monitor all the exhibitors who are issued permits under its alcoholic beverage license
11 pursuant to this Section to ensure compliance with this Chapter.

12 (J) Not later than three days prior to a permanent trade show the Department shall
13 provide the facility licensee with the approved permits for distribution to the applicants with the
14 requirement that the applicants post such permits at their respective exhibit sites and that the facility
15 licensee maintain at the facility premises a master list of the approved permits.

16 SECTION 4: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.50.360:** Each licensee shall pay to the Department the license fees set forth in the following
19 schedule:

	Semiannual	Original New
(A) Banquet facility	\$500	\$20,000
(B) Beer/wine/cooler art event on-sale	300	1,000
(C) Beer/wine/cooler on-sale	300	1,000
(D) Beer/wine/cooler off-sale	600	2,000
(E) Beer/wine/cooler on-off-sale	600	2,000
(F) Brew/pub/tavern	1,200	60,000
(G) Convention facility	1,200	60,000
(H) Gift basket limited	300	1,000

1	(I)	Gift shop limited	500	2,500
2	(J)	Grocery store internet sale	500	2,500
3	(K)	Hotel lounge bar	1,200	60,000
4	(L)	Keg beer	500	2,500
5	(M)	Liquor caterer	500	2,500
6	(N)	Nonprofit club general	200	1,000
7	(O)	Nonprofit club restaurant service bar	100	500
8	(P)	Package	750	20,000
9	(Q)	<u>Permanent trade show facility</u>	<u>2,400</u>	<u>60,000</u>
10	[(Q)] (R)	Restaurant service bar	600	30,000
11	[(R)] (S)	Supper club	800	40,000
12	[(S)] (T)	Tavern	1,200	60,000
13		Plus: fee for each additional bar	900	
14	[(T)] (U)	Tavern-limited	800	20,000
15	[(U)] (V)	Urban lounge	1,000	50,000
16	[(V)] (W)	Wholesale general	1,000	5,000
17	[(W)] (X)	Wine, beer, cordial, liqueur tasting	600	2,000

17 Each special event general licensee shall pay a license fee of seventy-five dollars per day.

18 Each special event beer/wine/cooler licensee shall pay a license fee of fifty dollars per day.

19 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
20 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
21 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
22 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
23 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
25 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
26 invalid or ineffective.

27 ...

28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 11th day of July, 2007.

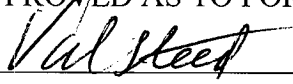
APPROVED:

By 
OSCAR B. GOODMAN, Mayor

ATTEST:


BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

 7-11-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of June, 2007 and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 11th day of July, 2007
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Wolfson,

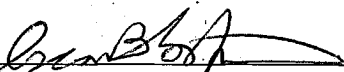
8 Tarkanian, Ross and Barlow

9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 ABSTAINED: NONE

12 APPROVED:

13 
14 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 
18 _____
19 BEVERLY K. BRIDGES, CMC City Clerk
20
21
22
23
24
25
26

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2007 JUL 26 A 10:42

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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

LV CITY CLERK 2296311LV 2410269

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/14/2007 to 07/14/2007, on the following days:

07/14/2007

FIRST AMENDMENT
BILL NO. 2007-29
Ordinance No. 5913

AN ORDINANCE TO ADD "PERMANENT TRADE SHOW FACILITY" AS A LIQUOR LICENSING CATEGORY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

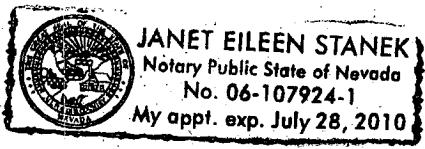
Proposed by: Mark Vincent, Director Department of Finance and Business Services
Summary: Adds "permanent trade show facility" as a liquor licensing category.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of June 2007 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 11th day of July 2007, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Wolfson, Tarkanian, Ross, and Barlow
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 300 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: July 14, 2007
LV Review-Journal



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
16th day of July, 2007.

Janet E. Stanek
Notary Public

**BUSINESS IMPACT STATEMENT
BILL NO. 2007-29**

(Adds “permanent trade show facility” as a liquor licensing category.)

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of Bill No. 2007-29, that will add “permanent trade show facility” as a liquor licensing category.

1. Description of the number of and manner in which comments was solicited from affected businesses, a summary of their response and explanation of the manner in which other interested persons may obtain a copy of the summary.

Comments solicited by: Mailing a notice of the proposed changes to City’s alcohol beverage code to the Nevada Tavern Owners Association

No comments were received in response to the above mailing.

A summary of the response is available at:

City of Las Vegas Finance and Business Services Department
400 Stewart Avenue, 3rd Floor,
Las Vegas, Nevada 89101

2. Estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects: NRS 237.090 (1)(b).

Adverse effects: None. Other than additional competition, this Bill will not have adverse economic effects on businesses.

Beneficial effects: Currently, trade shows sell alcoholic beverages through the use of liquor caterers. The permanent trade show facility liquor license being proposed by this Bill will permit the facility licensee to be licensed for alcoholic beverage sales at the facility. Exhibitors at shows may also be issued permits to sell alcoholic beverages at their exhibits under the facility’s alcoholic beverage license. The general public will not be permitted to attend permanent trade shows.

Direct effects: N/A

Indirect effects: N/A

3. Description of the methods considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used: (Include whether the following was considered: simplifying the proposed rule; establishing different standards of compliance for a business; and if applicable, modifying a fee or fine set forth in the rule so that a business could pay a lower fee or fine.) NRS 237.090(1)(c)

Different standards of compliance: Exhibitors at permanent trade show facilities (Facility) generally are from other states and countries. Accordingly, it is difficult for them to apply for separate liquor licenses and attend alcohol training awareness training classes prior to trade shows. This Bill waives these requirements provided the exhibitor applies for and is issued a permit by the City under the permanent trade show facility's alcoholic beverage license. The permit application process is facilitated by allowing exhibitors to submit their permit applications to the Facility operator, who in turn files them with the City at least thirty days prior to a show. Once issued, the City delivers the permits to the Facility operator for distribution to the exhibitors. The Facility operator is responsible to monitor all the exhibitors who are issued permits to ensure compliance with the City's alcoholic beverage regulations.

4. The governing body estimates that the annual cost to the local government for enforcement of the proposed rule is: NRS 237.090(1)(d)

Approximately \$5,000 in salaries and benefit costs

5. (If applicable, provide the following:) The proposed rule provides a new fee or increases an existing fee and the total annual amount expected to be collected is: NRS 237.090(1)(e) \$4,800.00

The money generated by the new fee or increase in existing fees will be used by the local government to: General fund usage which pays for enforcement of City Code Chapter 6.50, traffic, street maintenance, staffing resources, etc.

6. (If applicable, provide the following:) The proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains which such duplicative or more stringent provisions are necessary. NRS 237.090(1)(f)

N/A

Date: June 6, 2007