

FIRST AMENDMENT

BILL NO. 94-14

Ordinance No. 3787

AN ORDINANCE RELATING TO THE LOCATION OF ALCOHOL-SERVING ESTABLISHMENTS; AMENDING TITLE 19, CHAPTER 90, SECTION 85, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE CERTAIN ALCOHOL-SERVING ESTABLISHMENTS TO BE A MINIMUM DISTANCE FROM CHILD CARE FACILITIES THAT ARE LICENSED FOR MORE THAN TWELVE CHILDREN; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Councilman Scott Higginson

Summary: Requires certain alcohol-serving establishments to be a minimum distance from child care facilities licensed for more than twelve children.

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

SECTION 1: Title 19, Section 90, Section 85, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.90.085: (A) Pursuant to its general regulatory authority to regulate the sale of alcoholic beverages, the City Council declares that the safety, welfare, health, peace and morals of the City are best promoted and protected by requiring that no beer/wine/cooler on sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale, package, wholesale general, supper club or restaurant service bar business license shall be located within four hundred feet, and no tavern license shall be located within one thousand five hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park, and by requiring that tavern licenses or comparable establishments shall not be located within one thousand five hundred feet of each other, unless it can be shown by convincing and substantial evidence by the applicant that a waiver of such distance requirements will not compromise the aforestated objective of the City Council in safeguarding the interest of the citizens of the City. This Subsection does not apply

1 to an establishment which has a nonrestricted gaming license in connection with a hotel having
2 two hundred or more guestrooms on or before July 1, 1992, and in connection with a resort hotel
3 having in excess of two hundred guestrooms after July 1, 1992. For purposes of this Subsection,
4 the term "child care facility" has the meaning ascribed to it in the "City of Las Vegas Regulations
5 and Standards for Child Care Facilities," adopted pursuant to Section 6.24.420 of this Code.

6 (B) The distances referred to in Subsection (A) shall be measured in a
7 straight line from the primary public entrance of the church, synagogue, [or] school[,] or child
8 care facility, and from the nearest property line of a City park to the primary public entrance of
9 the proposed liquor establishment premises, and in a straight line from the primary public entrance
10 of the proposed tavern to the primary entrance of any existing tavern or comparable establishment,
11 disregarding all intervening obstacles.

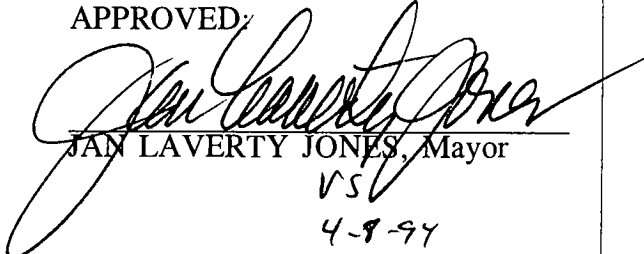
12 (C) When considering an application for a special use permit filed in
13 compliance with the provisions of LVMC 6.50.223 regarding a location intended to be used as
14 the site of a liquor establishment, the Board of Zoning Adjustment shall take into consideration
15 the distance policies of Subsection (A) and shall at the conclusion of the hearing as part of its
16 recommendation to the City Council regarding such application for special use permit state
17 whether in the opinion of the Board the distance requirements of Subsection (A) should be waived
18 and the reasons in support of such opinion.

19 SECTION 2: If any section, subsection, subdivision, paragraph, sentence,
20 clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional
21 or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
22 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
23 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
24 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
25 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases
26 be declared unconstitutional, invalid or ineffective.

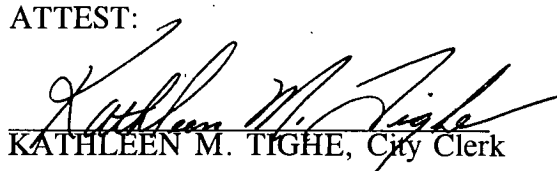
1 SECTION 3: All ordinances or parts of ordinances, sections, subsections,
2 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 6th day of April, 1994.

5 APPROVED:

6
7 
JAN LAVERTY JONES, Mayor
VS
4-8-94

8 ATTEST:

9 
10 KATHLEEN M. TIGHE, City Clerk

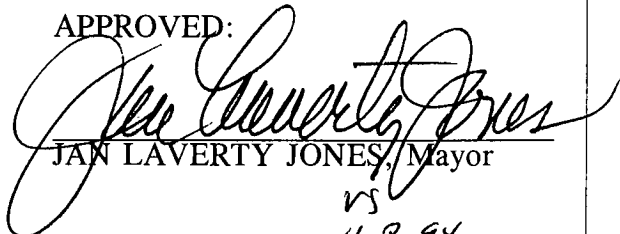
11 The above and foregoing ordinance was first proposed and read by title to
12 the City Council on the 2nd day of March, 1994, and referred to the following
13 committee composed of Mayor Jones and Councilman Higginson
14 for recommendation; thereafter the said committee reported favorably on said ordinance on the
15 6th day of April, 1994, which was a regular meeting of said Council;
16 that at said regular meeting, the proposed ordinance was read by title to the City
17 Council as amended and adopted by the following vote:

18 VOTING "AYE": Councilmen Adamsen, Higginson, Hawkins Jr., Brass and Mayor Jones

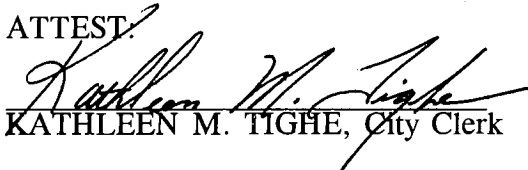
19 VOTING "NAY": NONE

20 ABSENT: NONE

21 APPROVED:

22
23 
JAN LAVERTY JONES, Mayor
VS
4-8-94

24 ATTEST:

25 
26 KATHLEEN M. TIGHE, City Clerk

BILL NO. 94-14 SEE FIRST AMENDMENT

Ordinance No. ____

AN ORDINANCE RELATING TO THE LOCATION OF ALCOHOL-SERVING ESTABLISHMENTS; AMENDING TITLE 19, CHAPTER 90, SECTION 85, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE CERTAIN ALCOHOL-SERVING ESTABLISHMENTS TO BE A MINIMUM DISTANCE FROM PRESCHOOLS AND CHILD CARE FACILITIES THAT ARE LICENSED FOR MORE THAN TWELVE CHILDREN; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:

Councilman Scott Higginson

Summary: Requires certain alcohol-serving establishments to be a minimum distance from preschools and child care facilities licensed for more than twelve children.

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

SECTION 1: Title 19, Section 90, Section 85, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.90.085: (A) Pursuant to its general regulatory authority to regulate the sale of alcoholic beverages, the City Council declares that the safety, welfare, health, peace and morals of the City are best promoted and protected by requiring that no beer/wine/cooler on sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale, package, wholesale general, supper club or restaurant service bar business license shall be located within four hundred feet, and no tavern license shall be located within one thousand five hundred feet of any church, synagogue, school, preschool, child care facility licensed for more than twelve children, or City park, and by requiring that tavern licenses or comparable establishments shall not be located within one thousand five hundred feet of each other, unless it can be shown by convincing and substantial evidence by the applicant that a waiver of such distance requirements will not compromise the aforesated objective of the City Council in safeguarding the interest of the citizens of the City. This Subsection does not apply to an establishment which has a nonrestricted gaming license in connection with a hotel

1 having two hundred or more guestrooms on or before July 1, 1992, and in connection with a
2 resort hotel having in excess of two hundred guestrooms after July 1, 1992. For purposes of this
3 Subsection, the terms "preschool" and "child care facility" have the meanings ascribed to them
4 in the "City of Las Vegas Regulations and Standards for Child Care Facilities," adopted pursuant
5 to Section 6.24.420 of this Code.

6 (B) The distances referred to in Subsection (A) shall be measured in a
7 straight line from the primary public entrance of the church, synagogue, [or] school, preschool
8 or child care facility, and from the nearest property line of a City park to the primary public
9 entrance of the proposed liquor establishment premises, and in a straight line from the primary
10 public entrance of the proposed tavern to the primary entrance of any existing tavern or
11 comparable establishment, disregarding all intervening obstacles.

12 (C) When considering an application for a special use permit filed in
13 compliance with the provisions of LVMC 6.50.223 regarding a location intended to be used as
14 the site of a liquor establishment, the Board of Zoning Adjustment shall take into consideration
15 the distance policies of Subsection (A) and shall at the conclusion of the hearing as part of its
16 recommendation to the City Council regarding such application for special use permit state
17 whether in the opinion of the Board the distance requirements of Subsection (A) should be waived
18 and the reasons in support of such opinion.

19 SECTION 2: If any section, subsection, subdivision, paragraph, sentence,
20 clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional
21 or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
22 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
23 Council of the City of Las Vegas, Nevada, hereby declares that it would have passed each section,
24 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
25 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases
26 be declared unconstitutional, invalid or ineffective.

1 SECTION 3: All ordinances or parts of ordinances, sections, subsections,
2 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of ____, 1994.

5 APPROVED:

6
7 JAN LAVERTY JONES, Mayor

8 ATTEST:

9
10 KATHLEEN M. TIGHE, City Clerk

11 The above and foregoing ordinance was first proposed and read by title to
12 the City Council on the ____ day of ____, 1993, and referred to the following
13 committee composed of ____ and ____
14 for recommendation; thereafter the said committee reported favorably on said ordinance on the
15 ____ day of ____, 1994, which was a ____ meeting of said Council;
16 that at said ____ meeting, the proposed ordinance was read by title to the City
17 Council as first introduced and adopted by the following vote:

18 VOTING "AYE": _____

19 VOTING "NAY": _____

20 ABSENT: _____

21 APPROVED:

22
23 JAN LAVERTY JONES, Mayor

24 ATTEST:

25 KATHLEEN M. TIGHE, City Clerk
26

AFFIDAVIT OF PUBLICATION

APR 15 11 38 AM '94

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CITY CLERK

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FIRST AMENDMENT
BILL NO. 94-14
ORDINANCE NO. 3787

AN ORDINANCE RELATING TO THE LOCATION OF ALCOHOL-SERVING ESTABLISHMENTS; AMENDING TITLE 19, CHAPTER 90, SECTION 85, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE CERTAIN ALCOHOL-SERVING ESTABLISHMENTS TO BE A MINIMUM DISTANCE FROM CHILD CARE FACILITIES THAT ARE LICENSED FOR MORE THAN TWELVE CHILDREN; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: Councilman Scott Higginson

Summary: Requires certain alcohol-serving establishments to be a minimum distance from child care facilities licensed for more than twelve children.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of March, 1994, and referred to the following committee composed of Mayor Jones and Councilman Higginson, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 6th day of April, 1994, 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 adopted by the following vote:

VOTING "AYE" Councilmen: Adamsen, Higginson, Hawkins Jr., Brass and Mayor Jones

VOTING "NAY" NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: April 9, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 9, 1994 to APRIL 9, 1994, on the following days:

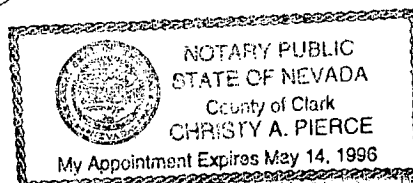
APRIL 9, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

13 day of April, 19 94

Christy A. Pierce
Notary Public



AFFIDAVIT OF PUBLICATION

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CITY CLERK
MAR 29 11 13 AM '94

PASTE CLIPPING HERE

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS, being first duly
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That she/he is a 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 of which is attached,
was continuously published in the LAS VEGAS
REVIEW-JOURNAL or THE LAS VEGAS SUN for a
period of ONE insertions
from the period of MARCH 17, 1994
to MARCH 17, 1994, on the following
days:

MARCH 17, 1994

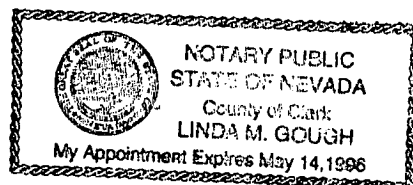
FIRST AMENDMENT
BILL NO. 94-14
AN ORDINANCE RELATING TO
THE LOCATION OF ALCOHOL-
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AMENDING TITLE 19, CHAPTER
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HEREWITH.
Sponsored by: Councilman
Scott Higginson
Summary: Requires certain alcohol-
serving establishments to be a mini-
mum distance from child care facili-
ties licensed for more than twelve
children.
At a City Council meeting
MARCH 2, 1994
BILL NO. 94-14 WAS READ BY
TITLE AND REFERRED TO REC-
OMMENDING COMMITTEE:
Mayor Jones AND
Councilman Higginson
COPIES OF THE COMPLETE BILL
ARE AVAILABLE FOR PUBLIC
INFORMATION IN THE OFFICE
OF THE CITY CLERK, 5TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB: March 17, 1994
Los Vegas Review-Journal

Signed: Andrea Davis

Subscribed and sworn to before me this

25th day of March, 1994

Linda M. Gough
Notary Public



AFFIDAVIT OF PUBLICATION

MAR 29 11 13 AM '94

RECORDED
CITY CLERK

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Clark, State of Nevada, and that the
advertisement, a true copy of which is attached,
was continuously published in the LAS VEGAS
REVIEW-JOURNAL or THE LAS VEGAS SUN for a
period of ONE insertions
from the period of MARCH 17, 1994
to MARCH 17, 1994, on the following
days: MARCH 17, 1994

MARCH 17, 1994

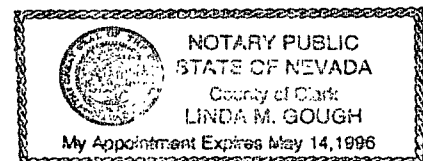
FIRST AMENDMENT
BILL NO. 94-14
AN ORDINANCE RELATING TO
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At a City Council meeting
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Mayor Jones AND
Councilman Higginson
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INFORMATION IN THE OFFICE
OF THE CITY CLERK, 5TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB: March 17, 1994
Las Vegas Review-Journal

Signed: Andrea Davis

Subscribed and sworn to before me this

25th day of March, 1994

Linda M. Gough
Notary Public



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FIRST AMENDMENT
BILL NO. 94-14
ORDINANCE NO. 3787

AN ORDINANCE RELATING TO THE LOCATION OF ALCOHOL-SERVING ESTABLISHMENTS; AMENDING TITLE 15, CHAPTER 90, SECTION 85, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO REQUIRE CERTAIN ALCOHOL-SERVING ESTABLISHMENTS TO BE A MINIMUM DISTANCE FROM CHILD CARE FACILITIES THAT ARE LICENSED FOR MORE THAN TWELVE CHILDREN; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERE-TO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: Councilman
Scott Higginson

Summary: Requires certain alcohol-serving establishments to be a minimum distance from child care facilities licensed for more than twelve children.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of March, 1994, and referred to the following committee composed of Mayor Jones and Councilman Higginson, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 6th day of April, 1994, 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 adopted by the following vote:

VOTING "AYE" Councilmen:
Adamsen, Higginson, Hawkins Jr.,
Brass and Mayor Jones
VOTING "NAY" NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: April 9, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

ANDREA DAVIS

, being first duly sworn, deposes and says:

That she/he is a 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 of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of APRIL 9, 1994 to APRIL 9, 1994, on the following days:

APRIL 9, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

13 day of April, 19 94

Christy A. Pierce
Notary Public

