

BILL NO. 92-43

Ordinance No. 3667

AN ORDINANCE RELATING TO LIQUOR CONTROL; AMENDING TITLE 6, CHAPTER 50, SECTION 20, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY INCREASING THE MAXIMUM PERCENT OF ALCOHOL BY VOLUME FROM FIVE AND SEVEN-TENTHS PERCENT TO TEN PERCENT IN THE DEFINITION OF THE TERM "COOLER"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:	Summary: Increases the maximum of
Councilman Bob Nolen	alcohol by volume from five and
	seven tenths percent to ten percent
	that may be in a prebottled alcoh-
	olic beverage defined as a "cooler."

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:

(A) "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.

(B) "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.

(C) "Cooler" means any prebottled alcoholic beverage,
other than beer or wine, that is a distillate obtained from the

1 fermentation of the natural contents of fruits or other agri-
2 cultural products containing natural or added sugar, which con-
3 tains not more than [five and seven-tenths] ten percent of alco-
4 hol by volume.

5 (D) "Drug store" means a business which has a
6 registered pharmacist in attendance at all times and which is
7 located in a building, or in a portion of a building which is
8 segregated physically or spatially from the rest of the building,
9 selling at retail a stock of merchandise having a retail value of
10 at least thirty thousand dollars, of which at least sixty percent
11 consists of prescription and non-prescription drugs and medi-
12 cines, remedies and devices for use in curing or preventing human
13 ailments and diseases and alleviating pain, other pharmaceuti-
14 cals, items associated with personal hygiene, cosmetics, notions
15 and sundries, and having at least one thousand two hundred square
16 feet of floor space, exclusive of warehouse and office areas,
17 devoted to the display of such stock of merchandise. No more
18 than twenty-five percent of a drug store's retail inventory shall
19 consist of beer, wine, cooler and tobacco products.

20 (E) "Grocery Store" means a business located in a
21 building, or in a portion of a building which is segregated phy-
22 sically or spatially from the rest of the building, selling at
23 retail a stock of merchandise having a retail value of at least
24 thirty thousand dollars, of which at least sixty percent consists
25 of articles for human consumption customarily served as food in
26 the home or entering into the preparation of food in the home,
27 and having at least one thousand two hundred square feet of floor
28 space, exclusive of warehouse and office areas, devoted to the
29 display of such stock of merchandise. No more than twenty-five
30 percent of a grocery store's retail inventory shall consist of
31 beer, wine and tobacco products.

32 (F) "Liquor caterer" means a person who dispenses,

1 serves or sells alcoholic beverages only for consumption on the
2 premises where the same are dispensed, served or sold during the
3 times and periods specified by permit; provided, however, a
4 caterer's services are performed between diverse locations on a
5 shifting and intermittent basis as opposed to a permanent loca-
6 tion.

7 (G) "Malt beverage" means beer, ale, porter, stout and
8 other similar fermented beverages of any name or description,
9 brewed or produced from malt, wholly or in part.

10 (H) "Meals" means the usual assortment of foods com-
11 monly ordered at various hours of the day; provided, however,
12 that the service of such food only as sandwiches and salads shall
13 not be deemed a compliance with this requirement.

14 (I) "Nonprofit club" means any nonprofit corporation,
15 nonprofit association or nonprofit organization which is orga-
16 nized or qualified to do business and operating under the laws of
17 the State; and which has and maintains tax-exempt status granted
18 by the United States Internal Revenue Service; and which has at
19 the time of application for a license and maintains continuously
20 thereafter a bona fide membership of at least one hundred dues-
21 paying members over the age of twenty-one years; and which has
22 been in continual existence for at least two years prior to the
23 application for the license; and which owns or leases and opera-
24 tes or maintains a clubhouse, clubroom or meeting room in a per-
25 manent location.

26 (J) "Off-sale" means the sale of beer, wine and coolers
27 in original sealed or corked containers for consumption off the
28 premises where the same are sold.

29 (K) "On-sale" means the sale of beer, wine and coolers
30 for consumption on the premises where the same are sold.

31 (L) "Restaurant" means a place which is regularly and
32 in a bona fide manner used and kept open for the service of meals

1 to guests for compensation; and which has suitable kitchen facil-
2 ities connected therewith, containing convenience for cooking an
3 assortment of foods which may be required for ordinary meals.

4 (M) "Restaurant service bar" means a bar wherein alco-
5 holic beverage drinks are prepared for service only at tables in
6 a restaurant for consumption only in connection with a meal on
7 the premises where the same is sold and where customers are not
8 permitted to purchase alcoholic beverage drinks directly from
9 such bar.

10 (N) "Sale" or "sell" means, for compensation or any
11 other business purpose, to sell, serve, give away or distribute;
12 or to cause or permit to be sold, served, given away or distri-
13 buted or to possess with the intent to sell, serve, give away or
14 distribute; or to solicit or receive orders to sell, serve, give
15 away or distribute.

16 (O) "Wholesale dealer" or "wholesaler" means a person
17 who sells alcoholic beverages for the purposes of resale.

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

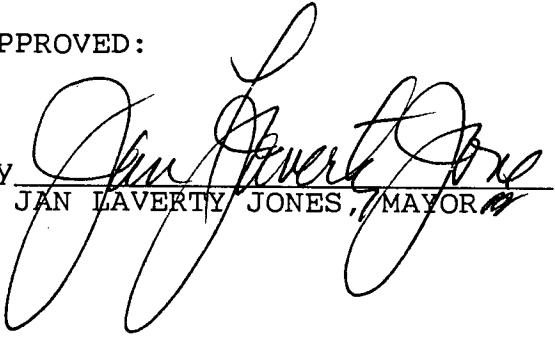
23 SECTION 2: If any section, subsection, subdivision,
24 paragraph, sentence, clause or phrase in this ordinance or any
25 part thereof, is for any reason held to be unconstitutional or
26 invalid or ineffective by any court of competent jurisdiction,
27 such decision shall not affect the validity or effectiveness of
28 the remaining portions of this ordinance or any part thereof.
29 The City Council of the City of Las Vegas, Nevada, hereby
30 declares that it would have passed each section, subsection, sub-
31 division, paragraph, sentence, clause or phrase thereof irrespec-
32 tive of the fact that any one or more sections, subsections, sub-

1 divisions, paragraphs, sentences, clauses or phrases be declared
2 unconstitutional, invalid or ineffective.

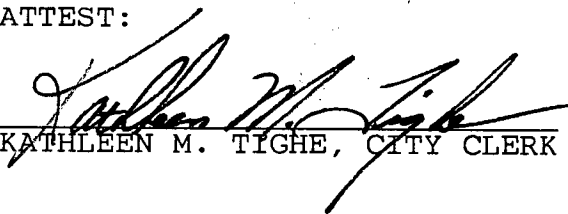
3 SECTION 3: All ordinances or parts of ordinances,
4 sections, subsections, phrases, sentences, clauses or paragraphs
5 contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED AND APPROVED this 19th day of August,
8 1992.

9 APPROVED:

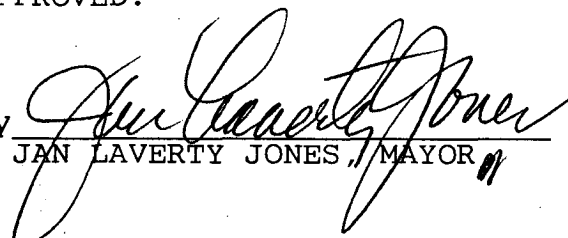
10
11 By 
12 JAN LAVERTY JONES, MAYOR

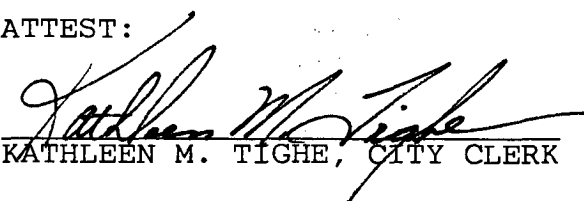
13 ATTEST:

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15 KATHLEEN M. TIGHE, CITY CLERK
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of July, 1992, and referred to the following committee composed of Councilmen Nolen and Higginson for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of August, 1992, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:
VOTING "AYE": Councilmen, Nolen, Adamsen and Mayor Jones
VOTING "NAY": NONE
ABSENT: Councilmen Higginson and Hawkins Jr.

APPROVED:
BY 
JAN LAVERTY JONES, MAYOR

ATTEST:

KATHLEEN M. TIGHE, CITY CLERK

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CITY CLERK

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BILL NO. 92-43
Ordinance No. 3667

AN ORDINANCE RELATING TO LIQUOR CONTROL; AMENDING TITLE 6, CHAPTER 50, SECTION 20, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY INCREASING THE MAXIMUM PERCENT OF ALCOHOL BY VOLUME FROM FIVE AND SEVEN-TENTHS PERCENT TO TEN PERCENT IN THE DEFINITION OF THE TERM "COOLER"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

SPONSORED BY: Councilman Bob Nolen

SUMMARY: Increases the maximum of alcohol by volume from five and seven tenths percent to ten percent that may be in a prebottled alcoholic beverage defined as a "cooler".

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of July, 1992, and referred to the following committee composed of Councilmen Nolen and Higginson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of August, 1992, 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 first introduced and adopted by the following vote:

VOTING "AYE" Councilmen: Nolen, Adamsen, and Mayor Jones

VOTING "NAY" Councilmen: NONE

EXCUSED: Councilmen: Higginson and Hawkins Jr.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA

PUB: August 25, 1992
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTINE BICKERTON, 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 AUGUST 25, 1992 to AUGUST 25, 1992, on the following days:

AUGUST 25, 1992

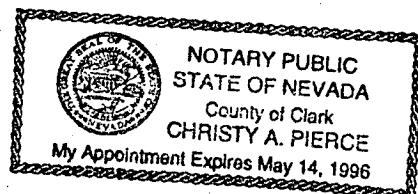
Signed

Christine Bickerton

Subscribed and sworn to before me this

25th day of August, 19 92

Christy A. Pierce
Notary Public



AFFIDAVIT OF PUBLICATION

RS 8-4-92

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BILL NO. 92-43

AN ORDINANCE RELATING TO LIQUOR CONTROL; AMENDING TITLE 6, CHAPTER 30, SECTION 20, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY INCREASING THE MAXIMUM PERCENT OF ALCOHOL BY VOLUME FROM FIVE AND SEVEN-TENTHS PERCENT TO TEN PERCENT IN THE DEFINITION OF THE TERM "COOLER"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Bob Nolen

SUMMARY: Increases the maximum of alcohol by volume from five and seven tenths percent to ten percent that may be in a prebottled alcoholic beverage defined as a "cooler."

At a City Council meeting July 15, 1992

BILL NO. 92-43 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Nolen AND Higginson. COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: July 30, 1992
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTINE BICKERTON, 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 JULY 30, 1992 to JULY 30, 1992, on the following days:

JULY 30, 1992

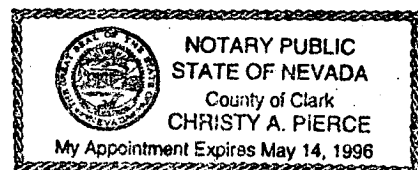
Signed

Christine Bickerton

Subscribed and sworn to before me this

31st day of July, 19 92

Christy A. Pierce
Notary Public



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RECEIVED

AUG 27 10 52 AM '92

CITY CLERK

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STATE OF NEVADA)
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AUGUST 25, 1992

BILL NO. 92-03
Ordinance No. 3607

AN ORDINANCE RELATING TO LIQUOR CONTROL; AMENDING TITLE 6, CHAPTER 20, SECTION 20, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY INCREASING THE MAXIMUM PERCENT OF ALCOHOL BY VOLUME FROM FIVE AND SEVEN-TENTHS PERCENT TO TEN PERCENT IN THE DEFINITION OF THE TERM "COOLER"; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Bob Nolen

SUMMARY: Increases the maximum of alcohol by volume from five and seven tenths percent to ten percent that may be in a prebottled alcoholic beverage defined as a "cooler".

The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of July, 1992, and referred to the following committee composed of Councilmen Nolen and Higginson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 19th day of August, 1992, 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 first introduced and adopted by the following vote:

VOTING "AYE": Councilmen: Nolen, Adamsen, and Mayor Jones

VOTING "NAY": Councilmen: NONE

EXCUSED: Councilmen: Higginson and Hawkins Jr.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA

PUB: August 25, 1992

Las Vegas Review-Journal

Signed

Christine Buckerton

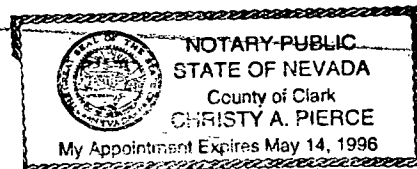
Subscribed and sworn to before me this

25th day of August, 19 92

Christy A. Pierce
Notary Public



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AFFIDAVIT OF PUBLICATION

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BILL NO. 92-3
AN ORDINANCE RELATING TO
LIQUOR CONTROL; AMENDING
TITLE 6, CHAPTER 20, SECTION
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THE CITY OF LAS VEGAS, NEVA-
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FIVE AND SEVEN-TENTHS PER-
CENT TO TEN PERCENT IN THE
DEFINITION OF THE TERM
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OTHER MATTERS PROPERLY
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PEALING ALL ORDINANCES AND
PARTS OF ORDINANCES IN CON-
FLICT HERewith.
SPONSORED BY: Councilman Bob
Nolan
SUMMARY: Increases the maxi-
mum of alcohol by volume from five
and seven tenths percent to ten per-
cent that may be in a prebottled
alcoholic beverage defined as a
"cooler."
At a City Council meeting
July 15, 1992
BILL NO. 92-3 WAS READ BY
TITLE AND REFERRED TO REC-
OMMENDING COMMITTEE:
Councilmen Nolan AND Higginson
COPIES OF THE COMPLETE BILL
ARE AVAILABLE FOR PUBLIC
INFORMATION IN THE OFFICE
OF THE CITY CLERK, 10TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB: July 30, 1992
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTINE BICKERTON, 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 circu-
lated 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 JULY 30, 1992
to JULY 30, 1992, on the following
days:

JULY 30, 1992

Signed Christine Buckerton

Subscribed and sworn to before me this
31st day of July, 19 92

Christy A. Pierce
Notary Public

