

FIRST AMENDMENT

BILL NO. 2003-1

ORDINANCE NO. 5563

AN ORDINANCE TO AMEND THE PROVISIONS REGARDING ALCOHOLIC BEVERAGE REGULATIONS TO REQUIRE A THOUSAND FOOT SEPARATION BETWEEN PROPERTIES WHERE RELIGIOUS, SCHOOL, HOSPITAL, SPECIAL CARE FACILITY, WITHDRAWAL MANAGEMENT OR SHELTER SERVICES ARE BEING OFFERED AND PROPERTIES WHERE ALCOHOLIC BEVERAGES ARE BEING CONSUMED OR POSSESSED IN OPEN CONTAINERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Requires a separation of one thousand feet between properties where alcoholic beverages are being consumed or possessed in open containers and properties where religious, school, hospital, special care facility, withdrawal management or shelter services are being offered.

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

SECTION 1: Title 10, Chapter 76, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.76.010: (A) At any of the following locations, it is unlawful for any person to drink an alcoholic beverage or to possess an open container of alcoholic beverage which was purchased in an original sealed or corked container:

[(A)] (1) Upon any premises, including the parking lot, of an establishment which is licensed only for the off-sale or the on-off-sale of alcoholic beverages; [or]

[(B)] (2) Upon property, other than residential property, located within one thousand feet of an establishment which is licensed for off-sale or on-off-sale[.]; or

(3) Upon property, other than residential property or property designated in special event licenses issued pursuant to LVMC Chapter 6.50, located within one thousand feet of a church, synagogue, public or private school, hospital, special care facility, withdrawal management facility or homeless shelter.

(B) The distances referred to in Subsection (A) shall be determined with reference to the shortest distance between the point of consumption or possession of an open container of

034203



1 alcoholic beverage and the nearest portion of any of the designated structures without regard to
2 intervening obstacles.

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

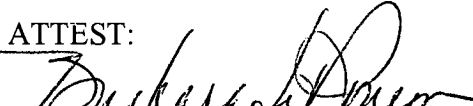
11 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
13 required or the failure to do any act is made or declared to be unlawful or an offense or a
14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

18 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
19 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
20 1983 Edition, in conflict herewith are hereby repealed.

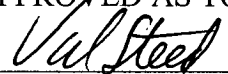
21 PASSED, ADOPTED and APPROVED this 5th day of February, 2003.
22 APPROVED:

23 By 
24 OSCAR B. GOODMAN, Mayor

25 ATTEST:

26 
BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28  1-22-03
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 8th day of January, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 5th day of February, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as amended and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman, Councilmembers Reese, M. McDonald, L. B.
McDonald, Weekly and Mack

7 VOTING "NAY": None

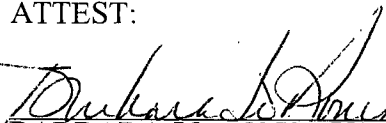
8 EXCUSED: Councilman Brown

9 ABSTAINED: None

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

BILL NO. 2003-1

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE PROVISIONS REGARDING ALCOHOLIC BEVERAGE REGULATIONS TO REQUIRE A THOUSAND FOOT SEPARATION BETWEEN PROPERTIES WHERE RELIGIOUS, SCHOOL, HOSPITAL, DRUG TREATMENT OR SHELTER SERVICES ARE BEING OFFERED AND PROPERTIES WHERE ALCOHOLIC BEVERAGES ARE BEING CONSUMED OR POSSESSED IN OPEN CONTAINERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Requires a separation of one thousand feet between properties where alcoholic beverages are being consumed or possessed in open containers and properties where religious, school, hospital, drug treatment or shelter services are being offered.

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

SECTION 1: Title 10, Chapter 76, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.76.010: (A) At any of the following locations, it is unlawful for any person to drink an alcoholic beverage or to possess an open container of alcoholic beverage which was purchased in an original sealed or corked container:

[(A)] (1) Upon any premises, including the parking lot, of an establishment which is licensed only for the off-sale or the on-off-sale of alcoholic beverages; [or]

[(B)] (2) Upon property, other than residential property, located within one thousand feet of an establishment which is licensed for off-sale or on-off-sale[.]; or

(3) Upon property, other than residential property or property designated in special event licenses issued pursuant to LVMC Chapter 6.50, located within one thousand feet of a church, synagogue, public or private school, hospital, drug treatment center or homeless shelter.

(B) The distances referred to in Subsection (A) shall be determined with reference to the shortest distance between the point of consumption or possession of an open container of alcoholic beverage and the nearest portion of any of the designated structures without regard to intervening obstacles.

SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

By OSCAR B. GOODMAN, Mayor

BARBARA JO RONEMUS, City Clerk

Larry G. Bellis 12-19-02
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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RECEIVED
CITY CLERK

2003 JAN 31 P 12:03

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
2595247

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/24/2003 to 01/24/2003, on the following days: JANUARY 24, 2003

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

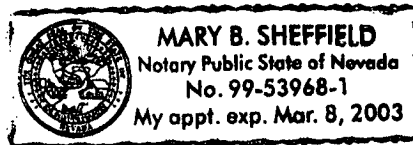
24

day of _____ 2003

January

Mary B. Sheffield

Notary Public



BILL NO. 2003-1
First Amendment

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

Summary: Requires a separation of one thousand feet between properties where alcoholic beverages are being consumed or possessed in open containers and properties where religious, school, hospital, drug treatment or shelter services are being offered.

At the City Council meeting of
JANUARY 8, 2003

BILL NO. 2003-1 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Jan. 24, 2003
LV Review-Journal

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
2616208

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/08/2003 to 02/08/2003, on the following days: FEB. 8, 2003

Signed: _____

Donna Stark

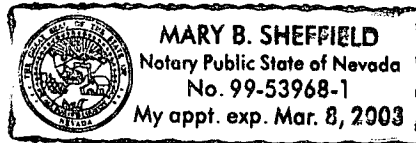
SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

11

day of February 2003

Mary B. Sheffield

Notary Public



RECEIVED
CITY CLERK

2003 FEB 20 A 10:50

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ordinance on the 5th day of February, 2003, 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": Mayor Goodman and Councilmembers Reese, M. McDonald, L.B. McDonald, Weekly, and Mack
VOTING "NAY": NONE
EXCUSED: Councilman Brown

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: February 8, 2003
LV Review-Journal