

BILL NO. 90-62

Ordinance No. 3536

AN ORDINANCE RELATING TO LIQUOR CONTROL; AMENDING TITLE 6, CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADOPTING A NEW SECTION RELATING TO A RESTAURANT SERVICE BAR, SETTING FORTH LIMITATIONS OF SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED FROM SAID BAR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER TO INCLUDE A DEFINITION OF RESTAURANT SERVICE BAR; AND AMENDING SECTION 230 OF SAID TITLE AND CHAPTER TO INCLUDE A SEMIANNUAL AND ORIGINAL NEW FEES; AMENDING SECTION 300 OF SAID TITLE AND CHAPTER BY INCLUDING RESTAURANT SERVICE BAR IN THE 400 FOOT DISTANCE LOCATION REQUIREMENT FROM A CHURCH, SYNAGOGUE OR SCHOOL; AMENDING TITLE 19, CHAPTER 90, SECTION 80, OF SAID CODE TO INCLUDE RESTAURANT SERVICE BAR UNDER SPECIAL USE PERMIT PROVISIONS; PORVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Summary: Restaurant service bar, sales of alcoholic beverages from which are not directly made to the customer and is consumed in connection with meals served on the premises, is added to the list of categories for liquor licensing and requires as a condition of licensing that said bar be approved for a special use permit.

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

SECTION 1: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section reading as follows:

A restaurant service bar license authorizes alcoholic beverages to be sold from a restaurant service bar for consumption only in connection with meals served at tables on the premises of the restaurant where the same are sold.

SECTION 2: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as amended by Bill No. 90-34, Ordinance No. 3514, adopted by the City Council of the City of Las Vegas, Nevada, on June 20, 1990, is hereby amended to read as follows:

1 6.50.020: (A) "Alcoholic beverage" includes alcohol,
2 spirits, liquor, wine and beer, and every liquid or solid which
3 contains alcohol, spirits, liquor, wine or beer; and which con-
4 tains one-half of one percent or more of alcohol by volume; and
5 which is fit for beverage purposes, either alone or when diluted,
6 mixed or combined with other substances. Any liquid or solid
7 containing beer or wine in combination with any other alcoholic
8 beverage shall not be construed to be beer or wine.

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

12 (C) "Cooler" means any prebottled alcoholic beverage,
13 other than beer or wine, that is a distillate obtained from the
14 fermentation of the natural contents of fruits or other agri-
15 cultural products containing natural or added sugar, which con-
16 tains not more than five and seven-tenths percent of alcohol by
17 volume.

18 (D) "Drug store" means a business which has a
19 registered pharmacist in attendance at all times and which is
20 located in a building, or in a portion of a building which is
21 segregated physically or spatially from the rest of the building,
22 selling at retail a stock of merchandise having a retail value of
23 at least thirty thousand dollars, of which at least sixty percent
24 consists of prescription and non-prescription drugs and medici-
25 nes, remedies and devices for use in curing or preventing human
26 ailments and diseases and alleviating pain, other pharmaceuti-
27 cals, items associated with personal hygiene, cosmetics, notions
28 and sundries, and having at least one thousand two hundred square
29 feet of floor space, exclusive of warehouse and office areas,
30 devoted to the display of such stock of merchandise. No more
31 than twenty-five percent of a drug store's retail inventory shall
32 consist of beer, wine, cooler and tobacco products.

1 (E) "Grocery Store" means a business located in a
2 building, or in a portion of a building which is segregated phy-
3 sically or spatially from the rest of the building, selling at
4 retail a stock of merchandise having a retail value of at least
5 thirty thousand dollars, of which at least sixty percent consists
6 of articles for human consumption customarily served as food in
7 the home or entering into the preparation of food in the home,
8 and having at least one thousand two hundred square feet of floor
9 space, exclusive of warehouse and office areas, devoted to the
10 display of such stock of merchandise. No more than twenty-five
11 percent of a grocery store's retail inventory shall consist of
12 beer, wine, cooler and tobacco products.

13 (F) "Liquor caterer" means a person who dispenses,
14 serves or sells alcoholic beverages only for consumption on the
15 premises where the same are dispensed, served or sold during the
16 times and periods specified by permit; provided, however, a
17 caterer's services are performed between diverse locations on a
18 shifting and intermittent basis as opposed to a permanent loca-
19 tion.

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

24 (H) "Nonprofit club" means any nonprofit corporation,
25 nonprofit association or nonprofit organization which is orga-
26 nized or qualified to do business and operating under the laws of
27 the State; and which has and maintains tax-exempt status granted
28 by the United States Internal Revenue Service; and which has at
29 the time of application for a license and maintains continuously
30 thereafter a bona fide membership of at least one hundred dues-
31 paying members over the age of twenty-one years; and which has
32 been in continual existence for at least two years prior to the

1 application for the license; and which owns or leases and oper-
2 ates or maintains a clubhouse, clubroom or meeting room in a per-
3 manent location.

4 (I) "Off-sale" means the sale of beer, wine and coolers
5 in original sealed or corked containers for consumption off the
6 premises where the same are sold.

7 (J) "On-sale" means the sale of beer, wine and coolers
8 for consumption on the premises where the same are sold.

9 (K) "Restaurant" means a place which is regularly and
10 in a bona fide manner used and kept open for the service of meals
11 to guests for compensation; and which has suitable kitchen faci-
12 lities connected therewith, containing convenience for cooking an
13 assortment of foods which may be required for ordinary meals.

14 (L) "Restaurant service bar" means a bar wherein
15 alcoholic beverage drinks are prepared for service only at
16 tables in a restaurant for consumption only in connection with a
17 meal on the premises where the same is sold and where customers
18 are not permitted to purchase alcoholic beverage drinks
19 directly from such bar.

20 (M) "Sale" or "sell" means, for compensation or any
21 other business purpose, to sell, serve, give away or distribute;
22 or to cause or permit to be sold, served, given away or distri-
23 buted or to possess with the intent to sell, serve, give away or
24 distribute; or to solicit or receive orders to sell, serve, give
25 away or distribute.

26 [(M)] (N) "Wholesale dealer" or "wholesaler" means a
27 person who sells alcoholic beverages for the purposes of resale.

28 [(N)] (O) "Wine" means any alcoholic beverage, other
29 than beer, obtained by the fermentation of the natural contents
30 of fruits or other agricultural products containing natural or
31 added sugar, which contains not more than twenty-two percent of
32 alcohol by volume.

1 SECTION 3: Title 6, Chapter 50, Section 230, of the
2 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as
3 amended by Bill No. 90-34, Ordinance No. 3514, adopted by the
4 City Council of the City of Las Vegas, Nevada, on June 20, 1990,
5 is hereby amended to read as follows:

6 6.50.230: Each licensee shall pay to the Department of Busi-
7 ness Activity the license fees set forth in the following
8 schedule:

9		Semiannual	Original New
10	(A) Beer/wine/cooler on-		
	sale.....	300.....	1,000
11	(B) Beer/wine/cooler off-		
	sale.....	300.....	1,000
12	(C) Beer/wine/cooler on-		
	off-sale.....	600.....	2,000
13	(D) Gift shop limited ...	500.....	2,500
	(E) Nonprofit club		
14	general.....	150.....	1,000
	(F) Keg beer.....	300.....	1,000
15	(G) Package.....	750.....	20,000
	(H) Tavern.....	1,200.....	60,000
16	Plus: for each bar		
	over one	900	
17	(I) Wholesale general....	1,000.....	5,000
	(J) Liquor Caterer.....	500.....	2,500
18	(K) <u>Restaurant</u>		
	<u>service bar</u>	<u>600</u>	<u>30,000</u>

19
20 Each special event general licensee shall pay a license
21 fee of fifty dollars per day. Each special event beer/wine/
22 cooler licensee shall pay a license fee of twenty-five dollars
23 per day.

24 SECTION 4: Title 6, Chapter 50, Section 300, of the
25 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
26 hereby amended to read as follows:

27 6.50.300: No beer/wine/cooler on-sale, beer/wine/cooler off-
28 sale, beer/wine/cooler on-off-sale, package, restaurant service
29 bar, or wholesale general license shall be located within four
30 hundred feet, and no tavern license shall be located within one
31 thousand five hundred feet, of any church, synagogue or school.
32 The distance between the establishments shall be measured in a

1 straight line from the primary public entrance of the church,
2 synagogue or school to the primary public entrance of the pro-
3 posed premises, disregarding all intervening obstacles. At the
4 request of the applicant, the City Council, in its discretion may
5 waive this provision based on a consideration of the nature and
6 character of the surrounding neighborhood. In connection with
7 such a request, the Department of Business Activity shall give
8 notice to the officials of the affected church, synagogue or
9 school within a reasonable time prior to the City Council's con-
10 sideration of the request, in order to permit such officials to
11 present their views to the City Council. Any establishment which
12 is included in any of the classifications listed in this Section
13 and with respect to which held a valid license therefor was in
14 existence on, and any establishment with respect to which preli-
15 minary approval for a tavern license had been granted prior to
16 October 1, 1989, is exempt from the provisions of this Section.

17 SECTION 5: Title 6, Chapter 50, of the Municipal
18 Code of the City of Las Vegas, Nevada, 1983 Edition, as amended
19 by Section 1 of Bill No. 90-34, Ordinance No. 3514, adopted by
20 the City Council of the City of Las Vegas, Nevada, on June 20,
21 1990, is hereby amended to read as follows:

22 (A) No new beer/wine/cooler on-sale, beer/wine/cooler
23 off-sale, beer/wine/cooler on/off sale, or package, wholesale
24 general license, restaurant service bar or tavern license, and

25 (B) No beer/wine/cooler onsale, beer/wine/cooler off-
26 sale, beer/wine/cooler on/off sale, or package, wholesale general
27 license, restaurant service bar or tavern license for any loca-
28 tion that has discontinued being a licensed liquor establishment
29 for a period of twenty-four consecutive months shall be issued by
30 the Department unless in each case the location for which the
31 license is issued is first approved for a special use permit pur-
32 suant to the procedures provided for in LVMC Chapter 19.90.

1 (C) Approval of a special use permit shall not consti-
2 tute or imply approval of any privileged business license that
3 may be required by this Code.

4 (D) The provisions of this section requiring a special
5 use permit for the locations of the types of establishments iden-
6 tified and ennumerated in subsections (A) and (B) of this section
7 shall not apply to the locations of establishments that are
8 intended to be operated solely under a gift shop limited license,
9 a keg beer license, a nonprofit club general license, or a liquor
10 caterers license, or to locations of establishments specified in
11 catering service permits and special events licenses.

12 SECTION 6: Title 19, Chapter 90, Section 80, of the
13 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as
14 amended by Bill No. 90-34, Ordinance No. 3514, adopted by the
15 City Council of the City of Las Vegas, Nevada, on June 20, 1990,
16 is hereby amended to read as follows:

17 19.90.080: (A) Following a public hearing on an application
18 for a special use permit to allow:

- 19 (1) a pawnshop;
- 20 (2) a retail demonstration merchandise sales store;
- 21 (3) a Class III or other secondhand dealer, except for
22 an antique store or used car lot;
- 23 (4) a transient sales lot;
- 24 (5) an open sales lot;
- 25 (6) a custodial institution or a detention facility;
- 26 (7) a publicly-operated convention and stadium
27 facility;
- 28 (8) mini-storage facilities;
- 29 (9) off-premises signs;
- 30 (10) a liquified petroleum gas installation;
- 31 (11) a gaming establishment (hotel);
- 32 (12) a general business related gaming establishment;

1 (13) a plasma donor center;
2 (14) a rescue mission; or
3 (15) a beer/wine/cooler on-sale, beer/wine/cooler off-
4 sale, beer/wine/cooler on/off sale, or package, wholesale general
5 license, restaurant service bar or tavern license,
6 the Board of Zoning Adjustment shall report its recommendation on
7 the application to the City Council.

8 (B) Prior to the next regularly scheduled meeting of
9 the City Council, the Secretary of the Board of Zoning Adjustment
10 shall transmit a copy of the recommendation to the City Clerk.

11 (C) Not later than thirty days from the date of the
12 Board of Zoning Adjustment's recommendation, the City Council
13 shall set a date for a public hearing.

14 (D) Not less than ten days prior to the public hearing
15 before the City Council, the City Clerk shall give notice to all
16 property owners who received notice of the public hearing con-
17 ducted by the Board of Zoning Adjustment.

18 (E) The City Council shall consider the application for
19 the special use permit and the recommendation of the Board of
20 Zoning Adjustment at the public hearing. Action by the City
21 Council on such application, following the public hearing, shall
22 be by a majority vote of the entire City Council and shall be
23 final and conclusive.

24 SECTION 7: If any section, subsection, subdivision,
25 paragraph, sentence, clause or phrase in this ordinance or any
26 part thereof, is for any reason held to be unconstitutional or
27 invalid or ineffective by any court of competent jurisdiction,
28 such decision shall not affect the validity or effectiveness of
29 the remaining portions of this ordinance or any part thereof.
30 The City Council of the City of Las Vegas, Nevada, hereby
31 declares that it would have passed each section, subsection, sub-
32 division, paragraph, sentence, clause or phrase thereof irrespec-

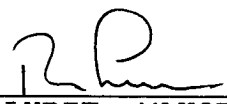
1 tive of the fact that any one or more sections, subsections, sub-
2 divisions, paragraphs, sentences, clauses or phrases be declared
3 unconstitutional, invalid or ineffective.

4 SECTION 8: Whenever in this ordinance any act is
5 prohibited or is made or declared to be unlawful or an offense or
6 a misdemeanor, or whenever in this ordinance the doing of any act
7 is required or the failure to do any act is made or declared to
8 be unlawful or an offense or a misdemeanor, the doing of such
9 prohibited act or the failure to do any such required act shall
10 constitute a misdemeanor and upon conviction thereof, shall be
11 punished by a fine of not more than \$1,000.00 or by imprisonment
12 for a term of not more than six months, or by any combination of
13 such fine and imprisonment. Any day of any violation of this
14 ordinance shall constitute a separate offense.

15 SECTION 9: All ordinances or parts of ordinances,
16 sections, subsections, phrases, sentences, clauses or paragraphs
17 contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED AND APPROVED this 3rd day of October,
20 1990.

21 APPROVED:

22
23 By 
24 RON LURIE, MAYOR *OK 10-8-90 RALW*

25 ATTEST:

26 
27 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 5th day of September, 1990, 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 3rd day of October, 1990, 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 amended and adopted by the following vote:

VOTING "AYE": Councilmen Adamsen Higginson, Miller, Nolen and Mayor Lurie
VOTING "NAY": NONE
ABSENT: NONE

APPROVED:

By 
RON LURIE, MAYOR
OK 10-8-90 LAW

ATTEST:


KATHLEEN M. TIGHE, CITY CLERK

SEE FIRST AMENDMENT

BILL NO. 90-62

Ordinance No. _____

AN ORDINANCE RELATING TO LIQUOR CONTROL; AMENDING TITLE 6, CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADOPTING A NEW SECTION RELATING TO A RESTAURANT SERVICE BAR, SETTING FORTH LIMITATIONS OF SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED FROM SAID BAR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER TO INCLUDE A DEFINITION OF RESTAURANT SERVICE BAR; AND AMENDING SECTION 230 OF SAID TITLE AND CHAPTER TO INCLUDE A SEMIANNUAL AND ORIGINAL NEW FEES; AMENDING SECTION 300 OF SAID TITLE AND CHAPTER BY INCLUDING RESTAURANT SERVICE BAR IN THE 400 FOOT DISTANCE LOCATION REQUIREMENT FROM A CHURCH, SYNAGOGUE OR SCHOOL; AMENDING TITLE 19, CHAPTER 90, SECTION 80, OF SAID CODE TO INCLUDE RESTAURANT SERVICE BAR UNDER SPECIAL USE PERMIT PROVISIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

Sponsored by:

Councilman Bob Nolen

Summary: Restaurant service bar, sales of alcoholic beverages from which are not directly made to the customer and is consumed in connection with meals served on the premises, is added to the list of categories for liquor licensing and requires as a condition of licensing that said bar be approved for a special use permit.

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

SECTION 1: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section reading as follows:

A restaurant service bar license authorizes alcoholic beverages to be sold from a restaurant service bar for consumption only in connection with meals served at tables and stools on the premises of the restaurant where the same are sold.

SECTION 2: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as amended by Bill No. 90-34, Ordinance No. 3514, adopted by the City Council of the City of Las Vegas, Nevada, on June 20, 1990, is hereby amended to read as follows:

6.50.020: (A) "Alcoholic beverage" includes alcohol,

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

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

11 (C) "Cooler" means any prebottled alcoholic beverage,
12 other than beer or wine, that is a distillate obtained from the
13 fermentation of the natural contents of fruits or other agri-
14 cultural products containing natural or added sugar, which con-
15 tains not more than five and seven-tenths percent of alcohol by
16 volume.

17 (D) "Drug store" means a business which has a
18 registered pharmacist in attendance at all times and which is
19 located in a building, or in a portion of a building which is
20 segregated physically or spatially from the rest of the building,
21 selling at retail a stock of merchandise having a retail value of
22 at least thirty thousand dollars, of which at least sixty percent
23 consists of prescription and non-prescription drugs and medici-
24 nes, remedies and devices for use in curing or preventing human
25 ailments and diseases and alleviating pain, other pharmaceuti-
26 cals, items associated with personal hygiene, cosmetics, notions
27 and sundries, and having at least one thousand two hundred square
28 feet of floor space, exclusive of warehouse and office areas,
29 devoted to the display of such stock of merchandise. No more
30 than twenty-five percent of a drug store's retail inventory shall
31 consist of beer, wine, cooler and tobacco products.

32 (E) "Grocery Store" means a business located in a

1 building, or in a portion of a building which is segregated phy-
2 sically or spatially from the rest of the building, selling at
3 retail a stock of merchandise having a retail value of at least
4 thirty thousand dollars, of which at least sixty percent consists
5 of articles for human consumption customarily served as food in
6 the home or entering into the preparation of food in the home,
7 and having at least one thousand two hundred square feet of floor
8 space, exclusive of warehouse and office areas, devoted to the
9 display of such stock of merchandise. No more than twenty-five
10 percent of a grocery store's retail inventory shall consist of
11 beer, wine, cooler and tobacco products.

12 (F) "Liquor caterer" means a person who dispenses,
13 serves or sells alcoholic beverages only for consumption on the
14 premises where the same are dispensed, served or sold during the
15 times and periods specified by permit; provided, however, a
16 caterer's services are performed between diverse locations on a
17 shifting and intermittent basis as opposed to a permanent loca-
18 tion.

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

23 (H) "Nonprofit club" means any nonprofit corporation,
24 nonprofit association or nonprofit organization which is orga-
25 nized or qualified to do business and operating under the laws of
26 the State; and which has and maintains tax-exempt status granted
27 by the United States Internal Revenue Service; and which has at
28 the time of application for a license and maintains continuously
29 thereafter a bona fide membership of at least one hundred dues-
30 paying members over the age of twenty-one years; and which has
31 been in continual existence for at least two years prior to the
32 application for the license; and which owns or leases and oper-

1 ates or maintains a clubhouse, clubroom or meeting room in a per-
2 manent location.

3 (I) "Off-sale" means the sale of beer, wine and coolers
4 in original sealed or corked containers for consumption off the
5 premises where the same are sold.

6 (J) "On-sale" means the sale of beer, wine and coolers
7 for consumption on the premises where the same are sold.

8 (K) "Restaurant" means a place which is regularly and
9 in a bona fide manner used and kept open for the service of meals
10 to guests for compensation; and which has suitable kitchen faci-
11 lities connected therewith, containing convenience for cooking an
12 assortment of foods which may be required for ordinary meals.

13 (L) "Restaurant service bar" means a bar wherein
14 alcoholic beverage drinks are prepared for service only at
15 tables and stools in a restaurant for consumption only in con-
16 nection with a meal on the premises where the same is sold and
17 where customers are not permitted to purchase alcoholic beverage
18 drinks directly from such bar.

19 (M) "Sale" or "sell" means, for compensation or any
20 other business purpose, to sell, serve, give away or distribute;
21 or to cause or permit to be sold, served, given away or distri-
22 buted or to possess with the intent to sell, serve, give away or
23 distribute; or to solicit or receive orders to sell, serve, give
24 away or distribute.

25 [(M)] (N) "Wholesale dealer" or "wholesaler" means a
26 person who sells alcoholic beverages for the purposes of resale.

27 [(N)] (O) "Wine" means any alcoholic beverage, other
28 than beer, obtained by the fermentation of the natural contents
29 of fruits or other agricultural products containing natural or
30 added sugar, which contains not more than twenty-two percent of
31 alcohol by volume.

32 SECTION 3: Title 6, Chapter 50, Section 230, of the

1 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as
2 amended by Bill No. 90-34, Ordinance No. 3514, adopted by the
3 City Council of the City of Las Vegas, Nevada, on June 20, 1990,
4 is hereby amended to read as follows:

5 6.50.230: Each licensee shall pay to the Department of Busi-
6 ness Activity the license fees set forth in the following
7 schedule:

	Semiannual	Original New
9 (A) Beer/wine/cooler on-sale.....	300.....	1,000
10 (B) Beer/wine/cooler off-sale.....	300.....	1,000
11 (C) Beer/wine/cooler on-off-sale.....	600.....	2,000
12 (D) Gift shop limited ...	500.....	2,500
13 (E) Nonprofit club general.....	150.....	1,000
14 (F) Keg beer.....	300.....	1,000
15 (G) Package.....	750.....	20,000
16 (H) Tavern.....	1,200.....	60,000
17 Plus: for each bar over one	900	
18 (I) Wholesale general....	1,000.....	5,000
19 (J) Liquor Caterer.....	500.....	2,500
20 (K) <u>Restaurant service bar</u>	<u>1,200</u>	<u>60,000</u>

21 Each special event general licensee shall pay a license
22 fee of fifty dollars per day. Each special event beer/wine/
23 cooler licensee shall pay a license fee of twenty-five dollars
24 per day.

25 SECTION 4: Title 6, Chapter 50, Section 300, of the
26 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
27 hereby amended to read as follows:

28 6.50.300: No beer/wine/cooler on-sale, beer/wine/cooler off-
29 sale, beer/wine/cooler on-off-sale, package, restaurant service
30 bar, or wholesale general license shall be located within four
31 hundred feet, and no tavern license shall be located within one
32 thousand five hundred feet, of any church, synagogue or school.
The distance between the establishments shall be measured in a
straight line from the primary public entrance of the church,

1 synagogue or school to the primary public entrance of the pro-
2 posed premises, disregarding all intervening obstacles. At the
3 request of the applicant, the City Council, in its discretion may
4 waive this provision based on a consideration of the nature and
5 character of the surrounding neighborhood. In connection with
6 such a request, the Department of Business Activity shall give
7 notice to the officials of the affected church, synagogue or
8 school within a reasonable time prior to the City Council's con-
9 sideration of the request, in order to permit such officials to
10 present their views to the City Council. Any establishment which
11 is included in any of the classifications listed in this Section
12 and with respect to which held a valid license therefor was in
13 existence on, and any establishment with respect to which preli-
14 minary approval for a tavern license had been granted prior to
15 October 1, 1989, is exempt from the provisions of this Section.

16 SECTION 5: Title 6, Chapter 50, of the Municipal
17 Code of the City of Las Vegas, Nevada, 1983 Edition, as amended
18 by Section 1 of Bill No. 90-34, Ordinance No. 3514, adopted by
19 the City Council of the City of Las Vegas, Nevada, on June 20,
20 1990, is hereby amended to read as follows:

21 (A) No new beer/wine/cooler on-sale, beer/wine/cooler
22 off-sale, beer/wine/cooler on/off sale, or package, wholesale
23 general license, restaurant service bar or tavern license, and

24 (B) No beer/wine/cooler onsale, beer/wine/cooler off-
25 sale, beer/wine/cooler on/off sale, or package, wholesale general
26 license, restaurant service bar or tavern license for any loca-
27 tion that has discontinued being a licensed liquor establishment
28 for a period of twenty-four consecutive months shall be issued by
29 the Department unless in each case the location for which the
30 license is issued is first approved for a special use permit pur-
31 suant to the procedures provided for in LVMC Chapter 19.90.

32 (C) Approval of a special use permit shall not consti-

1 tute or imply approval of any privileged business license that
2 may be required by this Code.

3 (D) The provisions of this section requiring a special
4 use permit for the locations of the types of establishments iden-
5 tified and ennumerated in subsections (A) and (B) of this section
6 shall not apply to the locations of establishments that are
7 intended to be operated solely under a gift shop limited license,
8 a keg beer license, a nonprofit club general license, or a liquor
9 caterers license, or to locations of establishments specified in
10 catering service permits and special events licenses.

11 SECTION 6: Title 19, Chapter 90, Section 80, of the
12 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, as
13 amended by Bill No. 90-34, Ordinance No. 3514, adopted by the
14 City Council of the City of Las Vegas, Nevada, on June 20, 1990,
15 is hereby amended to read as follows:

16 19.90.080: (A) Following a public hearing on an application
17 for a special use permit to allow:

- 18 (1) a pawnshop;
- 19 (2) a retail demonstration merchandise sales store;
- 20 (3) a Class III or other secondhand dealer, except for
21 an antique store or used car lot;
- 22 (4) a transient sales lot;
- 23 (5) an open sales lot;
- 24 (6) a custodial institution or a detention facility;
- 25 (7) a publicly-operated convention and stadium
26 facility;
- 27 (8) mini-storage facilities;
- 28 (9) off-premises signs;
- 29 (10) a liquified petroleum gas installation;
- 30 (11) a gaming establishment (hotel);
- 31 (12) a general business related gaming establishment;
- 32 (13) a plasma donor center;

1 (14) a rescue mission; or
2 (15) a beer/wine/cooler on-sale, beer/wine/cooler off-
3 sale, beer/wine/cooler on/off sale, or package, wholesale general
4 license, restaurant service bar or tavern license,
5 the Board of Zoning Adjustment shall report its recommendation on
6 the application to the City Council.

7 (B) Prior to the next regularly scheduled meeting of
8 the City Council, the Secretary of the Board of Zoning Adjustment
9 shall transmit a copy of the recommendation to the City Clerk.

10 (C) Not later than thirty days from the date of the
11 Board of Zoning Adjustment's recommendation, the City Council
12 shall set a date for a public hearing.

13 (D) Not less than ten days prior to the public hearing
14 before the City Council, the City Clerk shall give notice to all
15 property owners who received notice of the public hearing con-
16 ducted by the Board of Zoning Adjustment.

17 (E) The City Council shall consider the application for
18 the special use permit and the recommendation of the Board of
19 Zoning Adjustment at the public hearing. Action by the City
20 Council on such application, following the public hearing, shall
21 be by a majority vote of the entire City Council and shall be
22 final and conclusive.

23 SECTION 7: 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 8: Whenever in this ordinance any act is
4 prohibited or is made or declared to be unlawful or an offense or
5 a misdemeanor, or whenever in this ordinance the doing of any act
6 is required or the failure to do any act is made or declared to
7 be unlawful or an offense or a misdemeanor, the doing of such
8 prohibited act or the failure to do any such required act shall
9 constitute a misdemeanor and upon conviction thereof, shall be
10 punished by a fine of not more than \$1,000.00 or by imprisonment
11 for a term of not more than six months, or by any combination of
12 such fine and imprisonment. Any day of any violation of this
13 ordinance shall constitute a separate offense.

14 SECTION 9: All ordinances or parts of ordinances,
15 sections, subsections, phrases, sentences, clauses or paragraphs
16 contained in the Municipal Code of the City of Las Vegas, Nevada,
17 1983 Edition, in conflict herewith are hereby repealed.

18 PASSED, ADOPTED AND APPROVED this ____day of _____,
19 1990.

20 APPROVED:

21
22 By _____
 RON LURIE, MAYOR

23 ATTEST:

24
25 _____
 KATHLEEN M. TIGHE, CITY CLERK

1 The above and foregoing ordinance was first proposed and
2 read by title to the City Council on the ____ day of _____,
3 1990, and referred to the following committee composed of
4 _____ and _____
5 for recommendation; thereafter the said committee reported
6 favorably on said ordinance on the ____ day of _____, 1990,
7 which was a _____ meeting of said Council; that at said
8 _____ meeting, the proposed ordinance was read by
9 title to the City Council as first introduced and adopted by the
10 following vote:

11 VOTING "AYE": _____

12 VOTING "NAY": _____

13 ABSENT: _____

14 APPROVED:

By RON LURIE, MAYOR

18 ATTEST:

20 KATHLEEN M. TIGHE, CITY CLERK

AFFIDAVIT OF PUBLICATION

RECEIVED

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CITY CLERK

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FIRST AMENDMENT
BILL NO. 90-62
Ordinance No. 3536

AN ORDINANCE RELATING TO LIQUOR CONTROL; AMENDING TITLE 6, CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADOPTING A NEW SECTION RELATING TO A RESTAURANT SERVICE BAR, SETTING FORTH LIMITATIONS OF SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED FROM SAID BAR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER TO INCLUDE A DEFINITION OF RESTAURANT SERVICE BAR; AND AMENDING SECTION 230 OF SAID TITLE AND CHAPTER TO INCLUDE A SEMIANNUAL AND ORIGINAL NEW FEES; AMENDING SECTION 300 OF SAID TITLE AND CHAPTER BY INCLUDING RESTAURANT SERVICE BAR IN THE 400 FOOT DISTANCE LOCATION REQUIREMENT FROM A CHURCH, SYNAGOGUE OR SCHOOLS; AMENDING TITLE 19, CHAPTER 90, SECTION 80, OF SAID CODE TO INCLUDE RESTAURANT SERVICE BAR UNDER SPECIAL USE PERMIT PROVISIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OR ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: xx

Summary: Restaurant service bar, sales of alcoholic beverages from which are not directly made to the customer and is consumed in connection with meals served on the premises, is added to the list of categories for liquor licensing and requires as a condition of licensing that said bar be approved for a special use permit.

The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 5th day of September, 1990, and referred to the following committee composed of Councilmen Nolen and Higginson, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 3rd day of October, 1990, which was a regular meeting of said City Council; 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: Adamson, Higginson, Miller, Nolen and Mayor Lurie.

VOTING "NAY" Councilmen: NONE
ABSENT: NONE

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

PUB: October 6, 1990
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTY A. FERGUSON, 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 OCTOBER 6, 1990 to OCTOBER 6, 1990, on the following days:

OCTOBER 6, 1990

Signed:

Christy A. Ferguson

Subscribed and sworn to before me this

11th day of October, 1990

Maria C. Therien
Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994

AFFIDAVIT OF PUBLICATION

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BILL NO. 90-62

AN ORDINANCE RELATING TO LIQUOR CONTROL, AMENDING TITLE 6, CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF

LAS VEGAS, NEVADA, 1983 EDITION, BY ADOPTING A NEW SECTION RELATING TO A RESTAURANT SERVICE BAR, SETTING FORTH LIMITATIONS OF SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED FROM SAID BAR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER TO INCLUDE A DEFINITION OF RESTAURANT SERVICE BAR; AND AMENDING SECTION 230 OF SAID TITLE AND CHAPTER TO INCLUDE A SEMIANNUAL AND ORIGINAL NEW FEES; AMENDING SECTION 300 OF SAID TITLE AND CHAPTER BY INCLUDING RESTAURANT SERVICE BAR IN THE 400 FOOT DISTANCE LOCATION REQUIREMENT FROM A CHURCH, SYNAGOGUE OR SCHOOL; AMENDING TITLE 19, CHAPTER 90, SECTION 80, OF SAID CODE TO INCLUDE RESTAURANT SERVICE BAR UNDER SPECIAL USE PERMIT PROVISIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY:

Councilman Bob Nolen

SUMMARY: Restaurant service bar, sales of alcoholic beverages from which are not directly made to the customer and is consumed in connection with meals served on the premises, is added to the list of categories, is added to the list of categories for liquor licensing and requires as a condition of licensing that said bar be approved for a special use permit.

At a City Council meeting

September 5, 1990

BILL NO. 90-62 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilman Nolen and Higginson

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

PUB: September 20, 1990
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTY A. FERGUSON

, 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 SEPTEMBER 20, 1990 to SEPTEMBER 20, 1990, on the following days:

SEPTEMBER 20, 1990

Signed:

Christy A. Ferguson

Subscribed and sworn to before me this

20 day of Sept., 1990

Maria C. Therien

Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY

My Appointment Expires May 11, 1994

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BILL NO. 90-42
AN ORDINANCE RELATING TO LIQUOR CONTROL, AMENDING TITLE 4, CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADOPTING A NEW SECTION RELATING TO A RESTAURANT SERVICE BAR, SETTING FORTH LIMITATIONS OF SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED FROM SAID BAR; AMENDING SECTION 20 OF SAID TITLE AND CHAPTER TO INCLUDE A DEFINITION OF RESTAURANT SERVICE BAR; AND AMENDING SECTION 238 OF SAID TITLE AND CHAPTER TO INCLUDE A SEMIANNUAL AND ORIGINAL NEW FEES; AMENDING SECTION 300 OF SAID TITLE AND CHAPTER BY INCLUDING RESTAURANT SERVICE BAR IN THE 400 FOOT DISTANCE LOCATION REQUIREMENT FROM A CHURCH, SYNAGOGUE OR SCHOOL; AMENDING TITLE 19, CHAPTER 90, SECTION 80, OF SAID CODE TO INCLUDE RESTAURANT SERVICE BAR UNDER SPECIAL USE PERMIT PROVISIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.
SPONSORED BY: Councilman Bob Nolen
SUMMARY: Restaurant service bar, sales of alcoholic beverages from which are not directly made to the customer and is consumed in connection with meals served on the premises, is added to the list of categories for liquor licensing and requires as a condition of licensing that said bar be approved for a special use permit.
At a City Council meeting September 5, 1990
BILL NO. 90-42 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilman Nolen and Hootman
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: September 20, 1990
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

CHRISTY A. FERGUSON, 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 SEPTEMBER 20, 1990 to SEPTEMBER 20, 1990, on the following days:

SEPTEMBER 20, 1990

Signed: Christy A. Ferguson

Subscribed and sworn to before me this 30 day of Sept., 19 90

Maria C. Therien
Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994



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