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FIRST AMENDMENT

Bill No. 93-6

Ordinance No. 3705

AN ORDINANCE RELATING TO GAMING; AMENDING TITLE 6, CHAPTER 40, SECTION 150 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROHIBIT ALL OTHER FORMS OF NONRESTRICTED GAMING, INCLUDING A RACE BOOK OR SPORTS POOL, AT NONRESTRICTED GAMING LICENSE LOCATIONS LIMITED TO THE OPERATION OF SLOT MACHINES ONLY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Councilman Bob Nolen

Summary: Prohibits all other forms of nonrestricted gaming, including a race book or sports pool, at nonrestricted gaming license locations limited to the operation of slot machines only.

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

SECTION 1: Title 6, Chapter 40, Section 150, of the Municipal

Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.40.150: (A) No nonrestricted gaming shall be conducted, maintained or operated  
in the City except:

(1) At a location which:

(a) On November 1, 1988, was licensed for nonrestricted gaming,

(b) Consists, or when the same is constructed will consist, of a restaurant which has full kitchen facilities and is located within a free-standing building that contains in excess of three thousand square feet of usable floor space under one roof and is separated along its entire exterior perimeter from any other commercial establishment either by a property line or by an unobstructed open area at least ten feet in width and with respect to which, on April 1, 1989, a tavern license had been issued pursuant to LVMC 6.50.050 or preliminary approval for a tavern license had been granted pursuant to LVMC 6.06.050, as the case may be, and an application for nonrestricted gaming had been filed with the State, or

1 (c) Consists of a licensed business premises that contains in  
2 excess of nine thousand square feet of usable floor space under one roof within which the gaming  
3 is, at all times, under the supervision of an attendant whose duties shall be limited solely to the  
4 making of change and supervising such gaming and with respect to which, on April 1, 1989, an  
5 application for nonrestricted gaming had been filed with the State;

6  
7 provided, however, that such gaming shall be limited to the operation of not more than thirty-five  
8 slot machines exclusive of any other form of gaming at any such location that, on April 1, 1989,  
9 was licensed for slot machines only;

10 (2) At a location which:

11 (a) Is situated within the area that is bounded by the east side of  
12 Main Street, the south side of Stewart Avenue, the west side of Third Street, and the north side  
13 of Carson Avenue, or

14 (b) Fronts on either side of Jackson Avenue between "D" Street  
15 and "G" Street or on either side of Owens Avenue between "H" Street and Martin Luther King  
16 Boulevard

17 and with respect to which, on April 1, 1989, an application for nonrestricted gaming had been  
18 filed with the State;

19 (3) [In] At a resort hotel which has in excess of two hundred guestrooms  
20 that are available to the public. The provisions of this [sub]paragraph do not apply to those hotel  
21 establishments holding a nonrestricted gaming license issued before July 1, 1992, unless the  
22 establishment ceases gaming operations for more than 2 years after July 1, 1992;

23 (4) At a location with respect to which a tavern license has been applied  
24 for or issued pursuant to LVMC 6.50.050 prior to July 1, 1992; provided, however, that such  
25 gaming shall be limited to the operation of not more than twenty slot machines exclusive of any  
26 other form of gaming; or

1 (5) [Is] At a retail outlet that contains at least five thousand square feet  
2 of usable floor space and with respect to which [had filed for] a nonrestricted gaming license had  
3 been applied for prior to July 1, 1992, and with respect to which a special use permit for a  
4 general business related gaming establishment, as that term is defined in LVMC 19.04.417, is  
5 obtained in accordance with LVMC Title 19; provided, however, that a retail outlet not issued  
6 a special use permit prior to July 1, 1992, must have applied for the same within ninety days after  
7 it filed for a nonrestricted gaming license, and further provided that such gaming shall be limited  
8 to the operation of not more than twenty slot machines exclusive of any other form of gaming.

9 (6) At a location which a race book or sports pool gaming license has  
10 been issued[.] ; provided, however, that a race book or sports pool gaming license shall only be  
11 issued to Resort Hotels or to locations that are within a gaming enterprise district and that have  
12 been previously licensed for gaming other than slot machines. The provisions of this paragraph  
13 shall apply to all applications for a race book or sports pool gaming license filed with the City on  
14 or after July 1, 1992.

15 (B) Notwithstanding anything to the contrary that is provided in, or may  
16 be implied from, subsection (A) of this Section or Title 19 of this Code, effective January 1,  
17 1990, no nonrestricted gaming shall be conducted, maintained, or operated on any parcel of land  
18 within the City unless:

19 (1) As of that date a gaming establishment is operating on that  
20 parcel pursuant to a nonrestricted license;

21 (2) The parcel is zoned for resort and gaming purposes or the  
22 zoning of the parcel for such purposes has been approved by the adoption by the City Council of  
23 a resolution of intent pursuant to LVMC 19.92.120;

24 (3) The parcel is zoned for resort and gaming purposes and an  
25 application for aesthetic review with respect to the establishment that is proposed to be operated  
26 thereon had been filed prior to October 5, 1988; provided, however, that the exception that is

1 provided for in this Paragraph (3) applies to the parcel only if it is developed by the person on  
2 whose behalf such application was filed; or

3 (4) The parcel is located within an area that has been designated  
4 as a gaming enterprise district pursuant to LVMC 6.40.160.

5 (C) Except as otherwise provided in LVMC 6.40.160(E), the inclusion  
6 of a parcel within a gaming enterprise district established pursuant to LVMC 6.40.160 does not  
7 diminish the applicability of the provisions of Title 19 of this Code to that parcel.

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

16 SECTION 3: All ordinances or parts of ordinances, sections,  
17 subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City

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1 of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

2 PASSED, ADOPTED and APPROVED this 17th day of March  
3 1993.

4 APPROVED:

5  
6 By:   
JAN LAVERTY JONES, Mayor  
3/17/93

7 ATTEST:

8  
9   
KATHLEEN M. TIGHE, City Clerk

10 The above and foregoing ordinance was first proposed and read by title to  
11 the City Council on the 3rd day of February, 1993, and referred to the following committee  
12 composed of Councilman Nolen and Mayor Jones for  
13 recommendation; thereafter the said committee reported favorably on said ordinance on the 17th  
14 day of March, 1993, which was a regular meeting of said Council; that at said  
15 regular meeting, the proposed ordinance was read by title to the City Council as  
16 amended and adopted by the following vote:

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

18 VOTING "NAY": NONE

19 ABSENT: NONE

20 APPROVED:

21  
22 By:   
JAN LAVERTY JONES, MAYOR  
3/17/93

23 ATTEST:

24   
25 KATHLEEN M. TIGHE, CITY CLERK  
26

SEE FIRST AMENDMENT

Bill No. 93-6

Ordinance No. \_\_\_\_\_

AN ORDINANCE RELATING TO GAMING; AMENDING TITLE 6, CHAPTER 40, SECTION 150 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROHIBIT ALL OTHER FORMS OF NONRESTRICTED GAMING, INCLUDING A RACE BOOK OR SPORTS POOL, AT NONRESTRICTED GAMING LICENSE LOCATIONS LIMITED TO THE OPERATION OF SLOT MACHINES ONLY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Councilman Bob Nolen

Summary: Prohibits all other forms of nonrestricted gaming, including a race book or sports pool, at nonrestricted gaming license locations limited to the operation of slot machines only.

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

SECTION 1: Title 6, Chapter 40, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.40.150: (A) No nonrestricted gaming shall be conducted, maintained or operated in the City except:

(1) At a location which:  
(a) On November 1, 1988, was licensed for nonrestricted gaming,  
(b) Consists, or when the same is constructed will consist, of a restaurant which has full kitchen facilities and is located within a free-standing building that contains in excess of three thousand square feet of usable floor space under one roof and is separated along its entire exterior perimeter from any other commercial establishment either by a property line or by an unobstructed open area at least ten feet in width and with respect to which, on April 1, 1989, a tavern license had been issued pursuant to LVMC 6.50.050 or preliminary approval for a tavern license had been granted pursuant to LVMC 6.06.050, as the case may be, and an application for nonrestricted gaming had been filed with the State, or

(c) Consists of a licensed business premises that contains in

1 excess of nine thousand square feet of usable floor space under one roof within which the gaming  
2 is, at all times, under the supervision of an attendant whose duties shall be limited solely to the  
3 making of change and supervising such gaming and with respect to which, on April 1, 1989, an  
4 application for nonrestricted gaming had been filed with the State; provided, however, that such  
5 gaming shall be limited to the operation of not more than thirty-five slot machines exclusive of  
6 any other form of games at any such location that, on April 1, 1989, was licensed for slot  
7 machines only;

8 (2) At a location which:

9 (a) Is situated within the area that is bounded by the east side of  
10 Main Street, the south side of Stewart Avenue, the west side of Third Street, and the north side  
11 of Carson Avenue, or

12 (b) Fronts on either side of Jackson Avenue between "D" Street  
13 and "G" Street or on either side of Owens Avenue between "H" Street and Martin Luther King  
14 Boulevard

15 and with respect to which, on April 1, 1989, an application for nonrestricted gaming had been  
16 filed with the State;

17 (3) [In] At a resort hotel which which has in excess of two hundred  
18 guestrooms that are available to the public. The provisions of this [sub]paragraph do not apply  
19 to those hotel establishments holding a nonrestricted gaming license issued before July 1, 1992,  
20 unless the establishment ceases gaming operations for more than 2 years after July 1, 1992;

21 (4) At a location with respect to which a tavern license has been applied  
22 for or issued pursuant to LVMC 6.50.050 prior to July 1, 1992; provided, however, that such  
23 gaming shall be limited to the operation of not more than twenty slot machines exclusive of any  
24 other form of games; or

25 (5) Is a retail outlet that contains at least five thousand square feet of  
26 usable floor space and with respect to which had filed for a nonrestricted gaming license prior to

1 July 1, 1992, and with respect to which a special use permit for a general business related gaming  
2 establishment, as that term is defined in LVMC 19.04.417, is obtained in accordance with LVMC  
3 Title 19; provided, however, that a retail outlet not issued a special use permit prior to July 1,  
4 1992, must have applied for the same within ninety days after it filed for a nonrestricted gaming  
5 license, and further provided that such gaming shall be limited to the operation of not more than  
6 twenty slot machines exclusive of any other form of games.

7 (6) At a location which a race book or sports pool gaming license has  
8 been issued[.] ; provided, however, that a race book or sports pool gaming license must not be  
9 issued for locations which have been licensed for nonrestricted gaming limited to the operation  
10 of slot machines exclusive of any other form of games pursuant to paragraphs (1), (4) and (5) of  
11 this subsection, notwithstanding any other provisions of this Chapter to the contrary.

12 (B) Notwithstanding anything to the contrary that is provided in, or may  
13 be implied from, subsection (A) of this Section or Title 19 of this Code, effective January 1,  
14 1990, no nonrestricted gaming shall be conducted, maintained, or operated on any parcel of land  
15 within the City unless:

16 (1) As of that date a gaming establishment is operating on that  
17 parcel pursuant to a nonrestricted license;

18 (2) The parcel is zoned for resort and gaming purposes or the  
19 zoning of the parcel for such purposes has been approved by the adoption by the City Council of  
20 a resolution of intent pursuant to LVMC 19.92.120;

21 (3) The parcel is zoned for resort and gaming purposes and an  
22 application for aesthetic review with respect to the establishment that is proposed to be operated  
23 thereon had been filed prior to October 5, 1988; provided, however, that the exception that is  
24 provided for in this Paragraph (3) applies to the parcel only if it is developed by the person on  
25 whose behalf such application was filed; or

26 (4) The parcel is located within an area that has been designated

# AFFIDAVIT OF PUBLICATION

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FIRST AMENDMENT  
BILL NO. 13-6  
Ordinance No. 3705

AN ORDINANCE RELATING TO GAMING; AMENDING TITLE 6, CHAPTER 40, SECTION 150 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA; 1993 EDITION, TO PROHIBIT ALL OTHER FORMS OF NONRESTRICTED GAMING, INCLUDING A RACE BOOK OR SPORTS POOL, AT NONRESTRICTED GAMING LICENSE LOCATIONS LIMITED TO THE OPERATION OF SLOT MACHINES ONLY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Bob Nolen

SUMMARY: Prohibits all other forms of nonrestricted gaming, including a race book or sports pool, at nonrestricted gaming license locations limited to the operation of slot machines only.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of March, 1993, and referred to the following committee composed of Councilman Nolen and Mayor Jones, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 17th day of March, 1993, 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: Nolen, Adamsen, Higginson, Hawkins Jr. 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: March 20, 1993  
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 MARCH 20, 1993 to MARCH 20, 1993, on the following days:

MARCH 20, 1993

\_\_\_\_\_

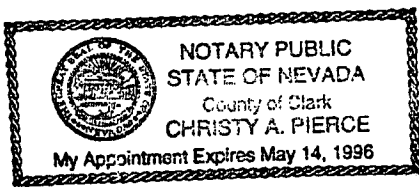
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\_\_\_\_\_

Signed: Andrea Davis

Subscribed and sworn to before me this 26<sup>th</sup> day of March, 19 93

Christy A Pierce  
Notary Public



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FIRST AMENDMENT  
BILL NO. 93-6

AN ORDINANCE RELATING TO GAMING; AMENDING TITLE & CHAPTER 40, SECTION 150 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROHIBIT ALL OTHER FORMS OF NONRESTRICTED GAMING, INCLUDING A RACE BOOK OR SPORTS POOL, AT NONRESTRICTED GAMING LICENSE LOCATIONS LIMITED TO THE OPERATION OF SLOT MACHINES ONLY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Bob Nolan

SUMMARY: Prohibits all other forms of nonrestricted gaming, including a race book or sports pool, at nonrestricted gaming license locations limited to the operation of slot machines only.

At a City Council meeting February 3, 1993

BILL NO. 93-6 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilman Nolan AND Mayor Jones

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: March 4, 1993  
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 MARCH 4, 1993 to MARCH 4, 1993, on the following days:

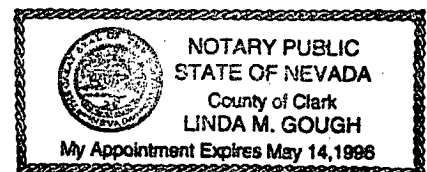
MARCH 4, 1993

Signed: Christine Bickerton

Subscribed and sworn to before me this

5th day of March, 1993

Linda M. Gough  
Notary Public



# AFFIDAVIT OF PUBLICATION

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FIRST AMENDMENT  
BILL NO. 93-6  
Ordinance No. 3705

AN ORDINANCE RELATING TO GAMING; AMENDING TITLE 6, CHAPTER 40, SECTION 150 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROHIBIT ALL OTHER FORMS OF NONRESTRICTED GAMING, INCLUDING A RACE BOOK OR SPORTS POOL, AT NONRESTRICTED GAMING LICENSE LOCATIONS LIMITED TO THE OPERATION OF SLOT MACHINES ONLY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Bob Nolan

SUMMARY: Prohibits all other forms of nonrestricted gaming, including a race book or sports pool, at nonrestricted gaming license locations limited to the operation of slot machines only.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of March, 1993, and referred to the following committee composed of Councilman Nolan and Mayor Jones, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 17th day of March, 1993, 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: Nolan, Adamsen, Higginson, Hawkins Jr. 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: March 20, 1993  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

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

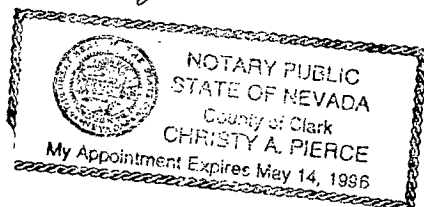
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 20, 1993 to MARCH 20, 1993, on the following days:

MARCH 20, 1993

Signed: Andrea Davis

Subscribed and sworn to before me this 26<sup>th</sup> day of March, 19 93

Christy A. Pierce  
Notary Public



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# AFFIDAVIT OF PUBLICATION

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FIRST AMENDMENT  
BILL NO. 93-6

AN ORDINANCE RELATING TO GAMING; AMENDING TITLE 6, CHAPTER 40, SECTION 150 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO PROHIBIT ALL OTHER FORMS OF NONRESTRICTED GAMING, INCLUDING A RACE BOOK OR SPORTS POOL, AT NONRESTRICTED GAMING LICENSE LOCATIONS LIMITED TO THE OPERATION OF SLOT MACHINES ONLY; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman Bob Nolen

SUMMARY: Prohibits all other forms of nonrestricted gaming, including a race book or sports pool, at nonrestricted gaming license locations limited to the operation of slot machines only.

At a City Council meeting February 3, 1993  
BILL NO. 93-6 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilman Nolen AND Mayor Jones  
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: March 4, 1993  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

CHRISTINE RICKERTON, 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 MARCH 4, 1993 to MARCH 4, 1993, on the following days:

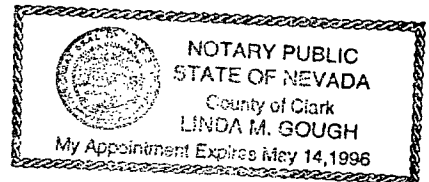
MARCH 4, 1993

Signed: *Christine Rickerton*

Subscribed and sworn to before me this

5<sup>th</sup> day of March, 1993

*Linda M. Gough*  
Notary Public



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