

BILL NO. 2003-106

ORDINANCE NO. 5656

AN ORDINANCE TO AMEND THE REGULATIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES TO PERMIT THEIR SALE THROUGH INTERNET PURCHASES FROM GROCERY STORES, AND TO PROVIDE OTHER RELATED MATTERS.

Proposed by: Councilman Larry Brown

Summary: Permits internet purchases of alcoholic beverages from grocery stores in conjunction with purchases of groceries for delivery to the premises of the purchaser.

**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:

“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.

“Art gallery or art studio” means a business establishment where the general public is invited to view artistic exhibitions, presentations and performances.

“Banquet facility” means any business establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such establishment may or may not include:

- (A) Kitchen facilities for the preparation or catering of food.
- (B) Outdoor gardens or reception facilities.

“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.

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1 “Commercial center” means a concentration of retail stores that:

2 (A) Contains at least eighty thousand square feet of retail space enclosed within a
3 building or buildings;

4 (B) Contains at least one anchor retail store of at least twenty thousand square feet;

5 (C) Includes a parking lot common to the retail stores; and

6 (D) Is situated on at least fifteen gross acres of land.

7 “Convenience store” means a retail establishment other than a drugstore, which:

8 (A) Offers for sale prepackaged food products, household items and other goods
9 commonly associated with those products and items, provided that not more than thirty percent of its
10 retail inventory is devoted to alcoholic beverages; and

11 (B) Contains not less than one thousand-two hundred square feet, nor more than
12 five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and
13 office areas.

14 “Convention facility” means a structure which has at least 100,000 square feet of floor space
15 utilized for scheduling, hosting or accommodating a convention, trade show or temporary event,
16 whether the activity is open or closed to the general public. For purposes of this Chapter, the term
17 includes a stadium facility that is operated in conjunction with a convention facility

18 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate
19 obtained from the fermentation of the natural contents of fruits or other agricultural products
20 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

21 “Downtown entertainment overlay district” means that area of the City bounded by Ogden
22 Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street
23 on the east.

24 “Drugstore” means a business establishment which occupies the entire business premises of
25 a building, or a portion of the business premises of a building which is segregated physically or
26 spatially from the rest of the business premises, where a State licensed pharmacist is present at all
27 times the pharmacy operation is open for the purpose of compounding or dispensing, or both
28 compounding and dispensing of drugs and medicines, and where a grill and fountain service is

1 permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health
2 items.

3 "Dues" means fees paid on a monthly, quarterly, semiannual or annual basis for the right to
4 participate in the planning of activities and the utilization of services offered by a nonprofit
5 corporation, association or organization. The term "dues" does not include fees paid for the purchase
6 of drinks, meals or other services offered by a nonprofit corporation, association or organization.

7 "Gift basket" means a receptacle or container that may be filled with food items or novelty
8 items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces
9 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
10 not greater than seven hundred fifty milliliters measured in the metric system of weights and
11 measures.

12 "Groceries" means staple food stuffs, dairy products, meats and produce meant for human
13 consumption; articles used in the preparation of food; and household supplies.

14 "Grocery store" means a business establishment which occupies all of the business premises
15 of a building or a portion of the business premises of a building which is segregated physically or
16 spatially from the rest of the business premises, and which contains more than five thousand square
17 feet of floor space for the display and sale of groceries, exclusive of warehouse and office space.

18 "Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages
19 are sold for consumption in the lounge area.

20 "Internet" means a global network of computers, connected to one another through the use of
21 common electronic communications protocols.

22 "Liquor caterer" means a person who dispenses, serves or sells alcoholic beverages only for
23 consumption on the premises where the same are dispensed, served or sold during the times, dates and
24 places specified by permit.

25 "Liquor store" means a specialty retail store which does not allow entry to minors and which
26 deals exclusively in alcoholic liquors and related items including magazines, newspapers and
27 packaged snack foods.

28 "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any

1 name or description, brewed or produced from malt, wholly or in part.

2 "Meal" means an assortment of food listed on a menu or otherwise offered as entrees,
3 appetizers, side items and desserts available at various hours of the day. The term "meal" does not
4 include food listed on a menu or otherwise offered that consists solely of sandwiches or salads, or both
5 sandwiches and salads.

6 "Nonprofit club" means any nonprofit corporation, association or organization which has been
7 in continual existence for at least two years prior to applying for a license under this Chapter, and:

8 (A) Is organized or qualified to do business and operate under the laws of the State;

9 (B) Has tax-exempt status granted by the United States Internal Revenue Service;

10 (C) Has a membership of at least one hundred members who are twenty-one years
11 of age or older and who pay dues to the nonprofit corporation, association, or organization; and

12 (D) Operates a clubhouse, clubroom or meeting room in a permanent location which
13 it owns or leases.

14 "Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for
15 consumption off the premises where the same are sold.

16 "On-sale" means the sale of alcoholic beverages for consumption on the premises where the
17 same are sold.

18 "Restaurant" means a place which is regularly and in a bona fide manner used and kept open
19 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
20 therewith, containing conveniences for cooking an assortment of foods which may be required for
21 ordinary meals.

22 "Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for
23 service only at tables in a restaurant for consumption only in connection with a meal on the premises
24 where the same is sold.

25 "Sale" means the act of selling and, in connection therewith, "sell" means, for compensation
26 or any other private or public business purpose at a commercial location, to sell, serve, give away, or
27 distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the
28 intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell,

1 serve, give away or distribute.

2 "Specialty merchandise store" means a retail store located within a commercial center that:

3 (A) Has at least eighteen thousand square feet of gross floor area;

4 (B) Has at least eleven thousand five hundred square feet of floor space dedicated
5 to the sale and display of furniture, glassware, kitchenware and other household goods;

6 (C) Has at least three thousand six hundred square feet of floor space dedicated to
7 the sale and display of gourmet foods and nonalcoholic beverages; and

8 (D) Maintains an inventory of beer, wine and coolers with a wholesale value of at
9 least twenty-five thousand dollars.

10 "Supper club" means a restaurant and bar operation with alcoholic beverage sales wherein the
11 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area
12 by minors and the restaurant operation is the principal portion of the business.

13 "Wedding chapel" means a business establishment that is licensed to perform marriages in
14 accordance with State law.

15 "Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the
16 purposes of resale.

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

20 SECTION 2: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 115,
22 to read as follows:

23 **6.50.115:** (A) A grocery store internet sale license authorizes the off-sale of alcoholic
24 beverages by a grocery store for delivery to the purchaser's premises pursuant to an internet purchase
25 order placed by the purchaser, subject to the following conditions:

26 (1) Delivery of the alcoholic beverages must be in conjunction with the
27 delivery of groceries also ordered in the same internet purchase order;

28 (2) Delivery of the alcoholic beverages may only be made to the person

1 placing the internet purchase order;

2 (3) The person placing the internet purchase order must be of legal age to
3 purchase alcoholic beverages; and

4 (4) Each internet sales transaction shall have written documentation of the
5 sale and delivery on forms acceptable by the Director, which shall include at a minimum:

6 (a) The business name and address of the grocery store;

7 (b) A detailed list of alcoholic beverages and groceries purchased
8 in each sales transaction;

9 (c) The name and address of the purchaser;

10 (d) The type of identification used to prove the age of the purchaser;
11 and

12 (e) The signature of the delivery person and purchaser involved in
13 the sales transaction.

14 (B) A grocery store internet sale license is available only if it is issued to a grocery
15 store in conjunction with a package alcoholic beverage license.

16 SECTION 3: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follow:

18 **6.50.360:** Each license shall pay to the Department the license fees set forth in the following
19 schedule:

	Semiannual	Original New
20 (A) Banquet facility	\$ 500	\$20,000
21 (B) Beer/wine/cooler art event on-sale	300	1,000
22 (C) Beer/wine/cooler on-sale	300	1,000
23 (D) Beer/wine cooler off-sale	300	1,000
24 (E) Beer/wine/cooler on-off-sale	600	2,000
25 (F) Brew/pub/tavern	1,200	60,000
26 (G) Convention facility	1,200	60,000
27 (H) Gift basket limited	300	1,000
28		

1	(I)	Gift shop limited	500	2,500
2	(J)	<u>Grocery store internet sale</u>	<u>500</u>	<u>2,500</u>
3	[(J)] (K)	Hotel lounge bar	1,200	60,000
4	[(K)] (L)	Keg beer	500	2,500
5	[(L)] (M)	Liquor caterer	500	2,500
6	[(M)] (N)	Nonprofit club general	200	1,000
7	[(N)] (O)	Nonprofit club restaurant service bar	100	500
8	[(O)] (P)	Package	750	20,000
9	[(P)] (Q)	Restaurant service bar	600	30,000
10	[(Q)] (R)	Supper club	800	40,000
11	[(R)] (S)	Tavern	1,200	60,000
12		Plus: fee for each additional bar	900	
13	[(S)] (T)	Tavern-limited	800	20,000
14	[(T)] (U)	Wholesale general	1,000	5,000
15	[(U)] (V)	Wine, beer, cordial, liqueur tasting	600	2,000

16 Each special event general licensee shall pay a license fee of seventy-five dollars per
17 day.

18 Each special event beer/wine/cooler licensee shall pay a license fee of fifty dollars per
19 day.

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

28 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared

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

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this 17 day of December, 2003.

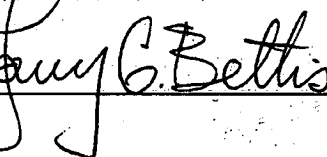
11 APPROVED:

12
13 By 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk

18 APPROVED AS TO FORM:

19  11-19-03
20 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 3rd day of December, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 17th day of December, 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 first read and adopted by the following vote:

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

7 VOTING "NAY": None

8 EXCUSED: None

9 ABSTAINED: None

10 APPROVED:

11
12 

OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

2003 DEC 15 A 10:55

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
3098794

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/06/2003 to 12/06/2003, on the following days: DEC. 6, 2003

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

10

day of *December* 2003

Mary B. Sheffield

Notary Public

BILL NO. 2003-106

AN ORDINANCE TO AMEND THE REGULATIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES TO PERMIT THEIR SALE THROUGH INTERNET PURCHASES FROM GROCERY STORES, AND TO PROVIDE OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown
Summary: Permits internet purchases of alcoholic beverages from grocery stores in conjunction with purchases of groceries for delivery to the premises of the purchaser.

At the City Council meeting of DECEMBER 3, 2003 BILL NO. 2003-106 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: December 6, 2003
LV Review-Journal



MARY B. SHEFFIELD
Notary Public State of Nevada
No. 99-53968-1
My appt. exp. Mar. 8, 2007

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2003 DEC 26 A 10:58

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
3119483

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/20/2003 to 12/20/2003, on the following days: DEC. 20, 2003

BILL NO. 2003-106
ORDINANCE NO. 5656

AN ORDINANCE TO AMEND THE REGULATIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES TO PERMIT THEIR SALE THROUGH INTERNET PURCHASES FROM GROCERY STORES, AND TO PROVIDE OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown
Summary: Permits internet purchases of alcoholic beverages from grocery stores in conjunction with purchases of groceries for delivery to the premises of the purchaser.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of December, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of November, 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 introduced and was adopted by the following vote:

VOTING: "AYE": Mayor Goodman and Councilmembers Reese, L. Brown, L.B. McDonald, Weekly, Mack, and Moncrief
VOTING "NAY": NONE
EXCUSED: NONE

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: Dec. 20, 2003
LV Review-Journal

Signed: _____

Donna Stark

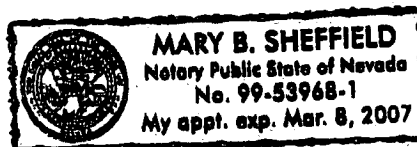
SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

23

day of December 2003

Mary B. Sheffield

Notary Public



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
3126421

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/26/2003 to 12/26/2003, on the following days: DEC. 26, 2003

CORRECTED
BILL NO. 2003-106
ORDINANCE NO. 5656

AN ORDINANCE TO AMEND THE REGULATIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES TO PERMIT THEIR SALE THROUGH INTERNET PURCHASES FROM GROCERY STORES, AND TO PROVIDE OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of December, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the

17TH DAY OF DECEMBER, 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 introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, L. Brown, L.B. McDonald, Weekly, Mack, and Moncrief
VOTING "NAY": NONE
EXCUSED: NONE

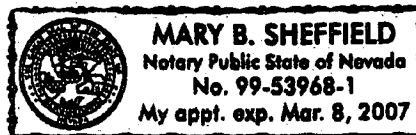
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Dec. 26, 2003
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30

day of December 2003

Mary B. Sheffield
Notary Public



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2004 JAN -2 A 10:06