

Affidavit of Publication

Chas. C. Corkhill, being first duly sworn, deposes and says: That he is a citizen of the United States, over the age of eighteen years; that he is the Publisher of

the Clark County Review, a weekly newspaper of general circulation printed and published at Las Vegas, Clark County, Nevada, and that the

Ordinance No. 33, of the City of Las Vegas Nevada

ORDINANCE NO. 33

An Ordinance Regulating the Distribution of Intoxicating Liquors, and Regulating Places where such Liquors are Sold or Otherwise Distributed, Providing for Permits and Licenses, and Repealing Ordinance No. 3, and All Ordinances or Parts of Ordinances in Conflict Therewith.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

Section 1. For the purposes of this Ordinance a retail liquor establishment and a wholesale liquor establishment are defined as follows:

A retail liquor establishment is defined to be a place where spiritous, vinous, malt or mixed intoxicating liquors are sold, served or given away to be consumed only upon the premises; provided that such liquors may be sold or given away in quantities not to exceed four and nine-tenths gallons to the same person or for the same person's use at any one time, to be consumed off the premises, and contained in sealed or corked packages or in buckets:

A wholesale liquor establishment is defined to be a place where spiritous, vinous, malt or mixed intoxicating liquors are sold, served or given away, or distributed from, in quantities not less than five gallons, contained in sealed or corked packages or kegs, and not to be consumed upon the premises

of which the attached is a true and correct copy, was published in said paper one consecutive issue, on the following dates, to wit: September 19, 1912

Chas. C. Corkhill

Subscribed and sworn to before me, this

A.D. 19

day of

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where so sold, served, given away, or distributed from.

Sec. 2. It shall be unlawful for any person, firm, corporation, social club or association of persons of any kind whatsoever to sell, serve or give away, or cause or permit to be sold, served or given away, any spirituous, vinous, malt or intoxicating liquors in the City of Las Vegas without a license so to do; provided, that such liquors may be served by a private family in its home as a part of its family life; and provided further, that the provisions of this Section shall not apply to the sale or giving away therein by a druggist or druggist's clerk, entitled to practice pharmacy under the laws of the State of Nevada, of pure alcohol (with or without a physician's prescription) for medicinal, mechanical or scientific uses; nor shall the provision of this section extend to physicians, surgeons, apothecaries or chemists, as to any wines or spirituous liquors which they may use in the preparation or compounding of medicines.

Proof of the possession by the person or persons charged with a violation of this Section of a license, commonly called a Federal Liquor License, covering the selling, serving, giving away, or distribution of spirituous, vinous, malt or mixed intoxicating liquors, issued by the Internal Revenue Department of the United States to the said person or persons charged as aforesaid with a violation of this Section, and in effect at the time and place alleged in the complaint charging said violation, shall be prima facie evidence that the person or persons so charged were, at the time and place so charged, engaged in the business of selling, serving, giving away or distributing spirituous, vinous, malt or mixed intoxicating liquors without a license from the City of Las Vegas so to do, unless the holder of said so-called Federal Liquor License shall satisfactorily establish by proof that he was actually engaged in conducting the business of a drug store at the time and place charged, or that he held a license from the City of Las Vegas so to do.

Any violation of any provision of this Section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the City Jail of Las Vegas for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment.

Sec. 3. Whenever any person desires to open, keep or conduct a wholesale or retail liquor establishment in the City of Las Vegas, or engage in the business thereof, such person shall make an application in writing to the Board of Commissioners of said City for permission to obtain a liquor license and said application shall contain and set forth the following:

(a) The name and residence of the applicant or applicants, and how long he or they have resided in the City of Las Vegas.

(b) The kind of license desired (whether a wholesale liquor license or a retail liquor license), and the particular place for which such license is desired, and the name of the owner of the premises.

(c) That the applicant or applicants are the only persons interested in the business asked to be licensed, and that no other person or persons shall in any way be interested therein during the continuance of the permission.

(d) Whether or not the applicant or applicants have had a permission for a license for the sale of liquor in said City of Las Vegas, or in any other city or county, revoked during any time preceding his or their application, and if so the cause of such revocation.

(e) A statement that if such permit is granted and license issued, same shall be accepted by applicant subject to the terms and provisions of this ordinance and to such other rules and regulations as may at any time be adopted or enacted by the Board of Commissioners of said City of Las Vegas.

(f) Said application must be verified by the applicant or applicants therefor.

Sec. 4. The Board of City Commissioners shall, if the applicant or applicants for permission to obtain a liquor license is or are in the opinion of the said Board, a proper person or persons to carry on a liquor business, as mentioned in the ordinances of the City of Las Vegas, make an order that the City Clerk issue a license to such person or persons upon the payment to him of the sum required for the particular kind of license applied for.

Sec. 5. When an applicant for a permit for a liquor license is a corporation or association, the application may be verified by its president, secretary or manager; and in addition to the matters and things by this ordinance hereinbefore required to be set out in the application, there shall be set forth the name of the person or persons who shall have the management of its business for which or in connection with which a liquor license is desired, and the names of the persons composing its board of directors or governing body.

Sec. 6. Any permit for a liquor license at any time granted by the Board of City Commissioners shall continue in force until the first day of January of the next succeeding year unless such permit shall prior to such date have been rescinded, revoked or cancelled, or the license issued thereunder declared forfeited; but the Board of City Commissioners may at any time, in its discretion, without notice, revoke, rescind or cancel any permit for a liquor license theretofore granted and may cancel and declare forfeited any license issued, and every such licensee accepts the permit and license subject to such right of revocation without notice; provided, however, that if any such liquor license is declared forfeited or cancelled without the preferring of charges against or the giving of notice to the holder thereof, there shall on the cancellation or forfeiture of such license, be returned to such former licensee, on his application therefor, the pro rata portion of the license for the balance of the quarter year for which payment was theretofore made in advance. If neither the permit received nor the license granted under the provisions of this ordinance be rescinded, revoked or cancelled, the licensee may receive his license on the first day of each quarter during the year for which the permit was granted, by paying on said day the rate or amount of the license tax as hereinabove specified, such payment to be in advance for such quarter and to be made in lawful money of the United States, at the office of the City Clerk of the City of Las Vegas.

Sec. 7. The holder of any permit shall be entitled to have the same renewed for any ensuing year by the said Board of City Commissioners before the same so expires, upon the filing with said Board of City Commissioners by said holder of the verified application required by Sections 4 and 5 of this Ordinance. Upon the filing of such verified application, if the said Board of City Commissioners find that the statements therein contained are true, and if the applicant or applicants for renewal of permit is or are, in the opinion of said Board, a proper person or persons to continue to carry on said liquor business, shall re-issue the permit of the liquor establishment, the renewal of which is so applied for.

Sec. 8. The liquor licenses provided for in this Ordinance shall when issued be issued for a quarter of a year and for the quarters ending on the 31st day of December, 31st day of March, 30th day of June and 30th day of September, and shall not be issued for a less period than a quarter of a year, nor shall any license be issued to any person or persons, corporation, firm or association which has not first procured a permit for license as hereinbefore provided for.

Sec. 9. The rates for the liquor licenses provided for in this Ordinance shall be and the same are hereby fixed and established and the same shall be paid by all persons receiving such licenses respectively as follows:

For a Retail Liquor License the sum of Thirty Dollars (\$30.00) per quarter; provided that retail drug stores shall not be required to pay more than Six Dollars (\$6.00) per quarter for such retail liquor license when the privilege only is desired thereunder of selling, serving or giving away of liquors not to be consumed upon the premises of such retail drug store. When such license is desired the application for permit and the permit shall indicate that the license is applied for or granted, as the case may be, under the provisions of this Section relative to retail drug stores, and the license issued shall also indicate that the same is granted to a retail drug store under the provisions of this Section. It shall be unlawful for any person, firm or corporation, owning, in charge of or employed in a retail drug store handling liquor under such license at such reduced price, to sell, serve, or give away, or cause or permit to be sold, served or given away therein, any liquor to be drunk or consumed upon the premises; and it shall be unlawful for any person, firm or corporation owning, in charge of or employed in such retail drug store handling liquors under such license at such reduced price, to cause, permit or allow any liquor to be drunk or consumed upon the premises thereof.

For a Wholesale Liquor License the sum of Ten Dollars (\$10.00) per quarter. No license shall be issued for any quarter until the payment for such quarter has been made.

Sec. 10. It shall be unlawful for any person or firm owning, conducting or having charge of the business of a retail liquor establishment, or any employee of the same, to sell, serve or give away, or cause or permit to be sold, served or given away in such establishment at any one time and to or for the use of the same person, any spirituous, vinous, malt or mixed intoxicating liquors in excess of four and nine-tenths gallons to be consumed off the premises of such establishment.

It shall be unlawful for any person or firm, owning, conducting or having charge of the business of a retail liquor establishment, or any employee of the same, to sell, serve or give away, or cause or permit to be sold, served or given away any intoxicating liquor in such establishment, to be consumed off the premises, except in sealed or corked packages or in buckets.

Sec. 11. It shall be unlawful for any person, firm or corporation conducting or having charge of the business of a wholesale liquor establishment, or any employee thereof, to sell, serve or give away, or cause or permit to be sold, served or given away on the premises of such wholesale liquor establishment any spirituous, vinous, malt or mixed intoxicating liquors except in sealed or corked packages or in kegs.

Sec. 12. It shall be unlawful for any person, firm or corporation owning, in charge of or employed in a wholesale liquor establishment, to sell, serve or give away, or cause or permit to be sold, served or given away therein, any liquor to be drunk or consumed upon the premises; and it shall be unlawful for any person, firm or corporation owning, in charge of or employed in a wholesale liquor establishment to cause, permit or allow any liquor to be drunk or consumed upon the premises thereof.

Sec. 13. It shall be unlawful within the City of Las Vegas, in the night time, after twelve o'clock midnight, for any person to play or make a noise upon or cause to be played any musical instrument of any kind whatsoever in any drinking saloon or in any room used or conducted in connection with such saloon, or on the premises where such saloon is conducted, or to permit

or allow the same by the proprietor, agent, employee or manager thereof. C

Sec. 14. Any violation of this Ordinance, or any of the provisions thereof, or any of the prohibitions thereof, or any of the requirements thereof, shall constitute a misdemeanor, and unless punishment is otherwise prescribed in this Ordinance, shall be punishable by a fine not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail of Las Vegas for a period not to exceed six months, or by both such fine and imprisonment; and any owner or proprietor of any kind of liquor establishment, place or drug store subject to the provisions of this Ordinance who shall violate or permit a violation of this Ordinance, or any of the provisions thereof, in such liquor establishment, place or drug store, shall be guilty of a misdemeanor, and unless punishment is otherwise specifically provided in this Ordinance, shall be punishable by a fine not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail of Las Vegas for a period not to exceed six (6) months, or by both such fine and imprisonment.

Sec. 15. Whenever it appears or has been shown to the satisfaction of the Board of City Commissioners that any licensee under the provisions of this Ordinance, or any of his servants or employees, has been in an intoxicated condition while in or about the premises or business for or in connection with which a liquor license has been issued, or has sold or served liquor to any minor or to any intoxicated person, or that any game or other transaction in violation of any state law or city ordinance, or any gambling of any kind, has been conducted, carried on or suffered or allowed to be conducted, or has existed or been done in or about such premises, or that any such licensee, or any of his servants or employees, has committed or permitted any breach of the peace or any disorderly conduct at or about said premises, or that any such licensee has violated or failed to keep any of the terms of this Ordinance, or that any holder of a liquor license has sold, furnished, served or given away intoxicating liquors in manner or time other than is allowed by such license held by him, then such license shall by resolution of said Board be declared forfeited and cancelled, and the permit therefor be rescinded and revoked, and thereupon and thenceforth it shall be unlawful for such person or former licensee to sell, furnish, serve or give away any of the liquors whatsoever in this Ordinance mentioned in said City.

Sec. 16. Wherever under the terms of this Ordinance the Board of City Commissioners are invested with the power to punish violations thereof, or to revoke permits because of such violations, said Board, should it deem revocation of the permit as punishment for the case in hand too severe, shall have the authority to impose the punishment of suspending the offender's right to carry on the kind of liquor establishment specified in his permit for a period of not exceeding sixty (60) days.

Sec. 17. No permit granted nor license issued under this Ordinance can be assigned except to a bona fide purchaser of the business to which it relates or in connection with which it was granted or issued, and after the consent of the Board of City Commissioners of said City upon an application therefor filed, containing in addition to the requirements hereinbefore specified for obtaining an original license, a statement setting forth such transfer, or proposed transfer, of the business. Such application must be verified by both assignor and assignee.

Sec. 18. A separate liquor license must be obtained for each branch establishment or separate place of business in which the business is carried on for which or in connection with which the license is issued, and each license shall authorize the party obtaining it to carry on the business or to do the acts hereby permitted only at the location or place of business designated in the permit therefor and indicated in the license.

Sec. 19. That Ordinance No. 3, entitled "An Ordinance Providing for the Licensing of Saloons, Barrooms and Places where Intoxicating Liquors are Sold," and all Ordinances amendatory thereto or thereof and all other Ordinances in conflict with this Ordinance be and the same are hereby repealed; provided, that any such repeal shall not affect or prevent the prosecution or punishment of any person, firm or corporation for any act done or permitted in violation of any Ordinance which may be repealed by this Ordinance, and shall not affect any prosecution or action which may be pending in any court for the violation of any Ordinance repealed by this Ordinance.

Sec. 20. This Ordinance shall take effect and be in force after its passage and publication for one week in the Clark County Review.

I hereby certify that the foregoing ordinance was read for the first time at a regular meeting of the City Board of Commissioners held on the 7th day of August, 1912, and read for the second time and passed at its meeting on the 4th day of September, 1912, by the following vote, to-wit: Commissioners, Stewart, Coughlin, McGovern, Von Tobel and Mayor Peter Buol voting aye. Noes none.

[SEAL] HARLEY A. HARMON, City Clerk

Approved this 4th day of September, 1912.

PETER BUOL, Mayor.

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