

FIRST AMENDMENT

BILL NO 2013-14

ORDINANCE NO 6248

AN ORDINANCE TO UPDATE THE CITY'S LICENSING REGULATIONS BY CREATING TWO NEW ALCOHOLIC BEVERAGE LICENSE CATEGORIES (BEER AND WINE ROOM AND ANCILLARY BREW PUB) AND PROHIBITING RESTRICTED GAMING AT AN ESTABLISHMENT WHERE A BEER AND WINE ROOM ALCOHOLIC BEVERAGE LICENSE IS HELD, AND TO PROVIDE FOR OTHER RELATED MATTERS

Sponsored by Councilman Bob Beers

Summary Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held

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

SECTION 1 Title 6, Chapter 50, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety

SECTION 2 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, designated as Section 80, reading as follows

6 50 080 A beer and wine room alcoholic beverage license authorizes the sale of beer and wine only for consumption on the premises where the same are sold

SECTION 3 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 designated as Section 85 reading as follows

6 50 085 (A) An ancillary brew pub alcoholic beverage license authorizes the manufacture and sale of malt beverages at an establishment provided that the owner or operator of such establishment maintains in a primary capacity, at the same location, one of the following licenses

(1) A tavern alcoholic beverage license pursuant to LVMC 6 50 240,

(2) A tavern-limited alcoholic beverage license pursuant to LVMC

6 50 250, or

1 (3) A beer/wine room alcoholic beverage license pursuant to LVMC
2 6 50 080

3 (B) An ancillary brew pub alcoholic beverage license shall only be issued subject
4 to the following conditions

5 (1) That the manufacture and sale of the malt beverages produced at the
6 location shall comply with all relevant State and Federal laws regarding the manufacture and sale of
7 malt beverages,

8 (2) The manufacture and sale of malt beverages may only occur as an
9 ancillary activity to the activities permitted by the primary license, and

10 (3) Prior to issuance of an ancillary brew pub license by the City, the
11 applicant shall present proof of State licensure of the establishment as a brew pub

12 (C) Notwithstanding any provision of this Chapter that might otherwise prohibit
13 or limit the activity, the holder of an ancillary brew pub alcoholic beverage license may dispense beer
14 or cider in a container sold or provided by the licensee, or a sanitary container provided by the
15 customer, with a maximum capacity which does not exceed one gallon subject to the following
16 conditions

17 (1) The licensee or the licensee's employee fills the container at the time
18 the beer or cider is sold,

19 (2) The container is thereafter sealed with a plastic adhesive or
20 tamper-evident seal, and

21 (3) The beer or cider is not consumed on the licensee's premises

22 (D) Any brew pub/tavern license in existence prior to the adoption of the ordinance
23 codified in this Section may continue to operate as currently licensed unless the operation of the
24 establishment is discontinued for a period of greater than twelve consecutive months Upon the
25 expiration of a period of discontinuance for greater than twelve months, the establishment must obtain
26 and maintain alcoholic beverage licenses pursuant to the applicable regulations then in effect

27 SECTION 4 Title 6, Chapter 50, Section 360, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows

6 50 360 Each licensee shall pay to the Department in advance the semiannual license fees set forth in the following schedule

License Category	Semiannual License Fee (Dollars)
Alcoholic beverage caterer	\$500 00
Ancillary lounge bar	1 200 00
<u>Ancillary brew pub</u>	<u>500 00 or 1% of sales to licensed wholesale dealers, whichever is greater</u>
Banquet or event establishment	500 00
Beer/wine/cooler cultural event on sale	150 00
Beer/wine/cooler on sale	300 00
Beer/wine/cooler off sale	300 00
Beer/wine/cooler on off sale	600 00
[Brew/pub/tavern]	[1 200 00]
<u>Beer and wine room</u>	<u>700 00</u>
<u>Plus fee for each additional bar</u>	<u>400 00</u>
Convention facility	1 200 00
General on sale	1 200 00
General on sale (beer and wine)	500 00
Gift basket limited	300 00
Gift shop limited	500 00
Grocery store or mega store internet sale	500 00
Instructional wine making facility	600 00
Keg beer	200 00
Liquor manufacturer	1 000 00
Nonprofit club general on sale	200 00
Nonprofit club restaurant service bar	100 00
Package	750 00
Permanent trade show facility	2 400 00
Restaurant service bar	600 00
Supper club	800 00
<u>Plus fee for each additional bar</u>	<u>750 00</u>

Tavern (one bar)	1,200 00
Plus fee for each additional bar	900 00
Tavern-limited	800 00
Plus fee for each additional bar	500 00
Urban lounge	1,000 00
Plus fee for each additional bar	750 00
Wholesale general	1,000 00
Wine, beer, cordial, liqueur tasting	600 00

Each time-limited special event general licensee shall pay the following license fee for each day (or for each event, in the case of a multi-day event) One hundred dollars, plus seventy-five dollars for each additional bar

Each time-limited special event beer/wine/cooler licensee shall pay the following license fee for each day (or for each event, in the case of a multi-day event) Fifty dollars, plus twenty-five dollars for each additional bar

SECTION 5 Title 6, Chapter 50, Section 380, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows

6 50 380 (A) The origination charge listed in this Section is a one time charge which is due and payable at the time of filing an application for an alcoholic beverage license Origination charges are as follows

License Category	Origination Charge (Dollars)
Alcoholic beverage caterer	\$4,000 00
Ancillary lounge bar	40,000 00
Banquet or event establishment	20,000 00
Beer/wine/cooler cultural event on-sale	500 00
Beer/wine/cooler on-sale	2,500 00
Beer/wine/cooler off-sale	2,500 00
Beer/wine/cooler on-off sale	5,000 00
[Brew/pub/tavern]	[75,000 00]

1	<u>Beer and wine room</u>	<u>7,500 00</u>
2	Convention facility	75,000 00
3	General on-sale	75,000 00
4	General on-sale (beer and wine)	20,000 00
5	Gift basket limited	1,000 00
6	Gift shop limited	4,000 00
7	Grocery store or mega store internet sale	2,500 00
8	Instructional wine making facility	2,500 00
9	Keg beer	4,000 00
10	Liquor manufacturer	10,000 00
11	Nonprofit club general on-sale	2,000 00
12	Nonprofit club restaurant service bar	1,000 00
13	Package	40,000 00
14	Permanent trade show facility	60,000 00
15	Restaurant service bar	30,000 00
16	Supper club	40,000 00
17	Tavern	75,000 00
18	Tavern-limited	20,000 00
19	Urban lounge	50,000 00
20	Wholesale general	10,000 00
21	Wine, beer, cordial, liqueur tasting	2,000 00

(B) The transfer of an alcoholic beverage license from one licensee to another is exempt from the origination charge set forth in this Section

(C) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed into the City, the Department shall waive the origination charge at the request of the applicant. However, a license concerning which such a waiver has been granted may not be sole, transferred to a third party or transferred to a new location, notwithstanding any provision of this Title to the contrary.

1 SECTION 6 Ordinance No 6232 and Title 6, Chapter 40, Section 155, of the
2 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Section
3 6 40 155 reads as follows

4 **6 40 155** (A) The City Council may deny any application for a gaming license if it deems the
5 place or location for which the license is sought to be unsuitable for the conduct of gaming

6 (B) No restricted gaming shall be conducted, maintained or operated in the
7 following places or locations

8 (1) Laundromats,

9 (2) Bakeries, donut shops and any other retail location, except as otherwise
10 provided in LVMC 6 40 140 and 6 40 150,

11 (3) Movie theaters and professional offices,

12 (4) Fast food establishments,

13 (5) Hotels with a lounge bar license,

14 (6) Locations within the Downtown Entertainment Overlay District, as
15 described in LVMC 19 10 120, [and]

16 (7) Establishments at which a person holds a tavern-limited license[], and

17 (8) Beer and wine rooms

18 (C) Locations listed in Subsection (B) that are licensed for gaming as of the date
19 this section (or any amendment thereto) was adopted may be allowed to continue their licenses so long
20 as the nature and character of the business at the location does not materially change

21 SECTION 7 For purposes of administering LVMC 6 50 085(D), the provisions
22 regarding brew pub tavern licenses that are to be repealed by this Ordinance prospectively but that will
23 continue to apply to existing brew pub/tavern licenses are set forth in Exhibit A attached to this
24 Ordinance

25 SECTION 8 If any section, subsection, subdivision, paragraph, sentence, clause or
26 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
27 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
28 effectiveness of the remaining portions of this ordinance or any part thereof The City Council of the

1 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
2 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
3 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
4 invalid or ineffective

5 SECTION 9 Whenever in this ordinance any act is prohibited or is made or declared
6 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
7 required or the failure to do any act is made or declared to be unlawful or an offense or a
8 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
9 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
10 \$1,000 00 or by imprisonment for a term of not more than six months, or by any combination of such
11 fine and imprisonment Any day of any violation of this ordinance shall constitute a separate offense

12 SECTION 10 All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed

15 PASSED, ADOPTED and APPROVED this 1ST day of May 2013

16 APPROVED

17 By C. Goodman
18 CAROLYN G GOODMAN, Mayor

19 ATTEST

20 Lu Ann D Holmes
21 ~~BEVERLY K BRIDGES, MMC~~
City Clerk

22 By Lu Ann D Holmes, MMC
Acting City Clerk

23 APPROVED AS TO FORM

24 Val Stead 4-16-13
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of March, 2013, and referred to a committee for recommendation,
3 thereafter the said committee reported favorably on said ordinance on the 1st day of May,
4 2013, which was a regular meeting of said Council, that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as amended and adopted by the
6 following vote

7 VOTING "AYE" Councilmembers Anthony, Barlow, Coffin and Beers

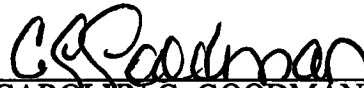
8 VOTING "NAY" None

9 EXCUSED Councilmember Tarkanian

10 ABSTAINED None

11 DID NOT VOTE Mayor Goodman and Councilmember Ross

12 APPROVED

13 

14 CAROLYN G. GOODMAN, Mayor

15 ATTEST

16 

17 ~~BEVERLY K. BRIDGES, MMC City Clerk~~

18 By Lu Ann D. Holmes, MMC
19 Acting City Clerk
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EXHIBIT "A"

- 1 A brew pub/tavern license authorizes a licensee to
 - Manufacture and store malt beverages on the premises of the brew pub/tavern and sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to NRS Chapter 369,
 - Sell at retail malt beverages manufactured on or off the premises of the brew pub/tavern for consumption on the premises, and
 - Sell at retail in packages sealed on the premises of the brew pub/tavern, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises
- 2 The premises of any brew pub/tavern operated pursuant to these provisions must be conspicuously identified as a "brew pub "
- 3 A brew pub/tavern licensee licensed pursuant to these provisions who operates one or more brew pubs may not manufacture more than fifteen thousand barrels of malt beverages for all the brew pubs he operates in the County in any calendar year
- 4 Unless contrary or inconsistent with these provisions, the provisions of LVMC Chapter 6 50 and of LVMC Title 19 that pertain to tavern licenses shall apply to brew pub/tavern licenses
- 5 A brew pub/tavern license authorizes the sale of alcoholic beverages other than malt beverages subject to the limitations and restrictions of a tavern license
- 6 The semiannual license fee for a brew pub/tavern is \$1,200

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

Stacey M. Lewis, 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

2296311LV

8460125

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/18/2013 to 04/18/2013, on the following days

04/18/2013

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Sponsored by: Councilman Bob Beers
Summary: Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held.

At the City Council meeting of March 20, 2013
BILL NO. 2013-14 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, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: April 18, 2013
LV Review-Journal

Signed

Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

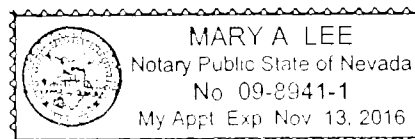
18th day of

April

2013

Notary Public

Mary Lee



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS

Stacey M Lewis 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

2296311LV

8488112

was continuously published in said Las Vegas Review Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/04/2013 to 05/04/2013 on the following days

05/04/2013

**FIRST AMENDMENT
BILL NO 2013 14
ORDINANCE NO 6248**

AN ORDINANCE TO UPDATE THE CITY'S LICENSING REGULATIONS BY CREATING TWO NEW ALCOHOLIC BEVERAGE LICENSE CATEGORIES (BEER AND WINE ROOM AND ANCILLARY BREW PUB) AND PROHIBITING RESTRICTED GAMING AT AN ESTABLISHMENT WHERE A BEER AND WINE ROOM ALCOHOLIC BEVERAGE LICENSE IS HELD AND TO PROVIDE FOR OTHER RELATED MATTERS

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of March 2013 and referred to a committee for recommendation thereafter the committee reported favorably on said ordinance on the 1st day of May 2013 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 was adopted by the following vote

VOTING AYE Mayor Pro Tem Anthony and Councilmembers Barlow Coffin and Beers
VOTING NAY NONE
NOT VOTING Mayor Goodman and Councilman Ross
EXCUSED Councilwoman Tarkanian

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK 2ND FLOOR 495 SOUTH MAIN STREET LAS VEGAS NEVADA
PUB May 4 2013
LV Review Journal

Signed

SUBSCRIBED AND SWORN BEFORE ME THIS THE

6th day of May 2013

Notary Public

