

1 SECOND AMENDMENT

2 BILL NO. 2014-34

3 ORDINANCE NO. 6329

4 AN ORDINANCE AMENDING LVMC 6.02 TO INCREASE CIVIL PENALTIES FOR VIOLATIONS
5 OF LVMC 6.50 AND CLARIFYING THAT THE DIRECTOR MAY SUSPEND AN ALCOHOLIC
6 BEVERAGE LICENSE ON AN ADMINISTRATIVE BASIS UNDER CERTAIN CIRCUMSTANCES,
7 ADDING A NEW CONDITION TO LVMC 6.50 TO CLARIFY THAT A LICENSEE'S VIOLATION,
8 OR KNOWINGLY PERMITTING AN EMPLOYEE TO VIOLATE A CONDITION OF AN
9 ALCOHOLIC BEVERAGE LICENSE IS A MISDEMEANOR, AND CREATING A ZONE IN THE
10 DOWNTOWN AREA WHERE THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN GLASS OR
11 METAL CONTAINERS IS PROHIBITED, THE POSSESSION OF OPEN ALCOHOLIC BEVERAGES
12 IN ITS ORIGINAL PACKAGING IS PROHIBITED, AND TO REQUIRE THAT ALCOHOLIC
13 BEVERAGES BOUGHT AT A PACKAGE LIQUOR OR OFF-SALE LICENSEE WITHIN THE
14 PEDESTRIAN MALL BE PLACED IN A BAG PRIOR TO THE CUSTOMER LEAVING THE
15 ESTABLISHMENT AND TO PROVIDE FOR OTHER RELATED MATTERS.

16 Proposed by: Bradford Jerbic, City Attorney

16 Summary: Updates various sections of LVMC
17 Title 6 to increase civil penalties for violations of
18 LVMC 6.50, clarifying that the Director may
19 suspend an alcoholic beverage license on an
20 administrative basis under certain circumstances,
21 adding a new condition to LVMC 6.50 to clarify
22 that a licensee's violation, or knowingly
23 permitting an employee to violate a condition of
24 an alcoholic beverage license is a misdemeanor,
25 and creating a zone in the downtown area where
26 the consumption of alcoholic beverages in glass
or metal containers is prohibited, the possession
of open alcoholic beverages in its original
packaging is prohibited, and to require that
alcoholic beverages bought at a package liquor or
off-sale licensee within the pedestrian mall be
placed in a bag prior to the customer leaving the
establishment.

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

21 FOLLOWS:

22 SECTION 1: Title 6, Chapter 2, Section 460, of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.02.460:** (A) [~~The~~] Except as otherwise provided in (B), the civil fines for violations that are
25 processed under the provisions of LVMC 6.02.390 to 6.02.460, inclusive, are as follows:

26 (1) For a first offense, two hundred fifty dollars.

1 (2) For a subsequent offense, five hundred dollars.

2 (B) The civil fine for violations processed under the provisions of LVMC 6.02.390 to
3 6.02.460, inclusive, for violations of any provision of LVMC 6.50 is five hundred dollars for each offense.

4 [(B)] (C) In connection with any violation sustained or confirmed by judgment of a Hearing
5 Officer, a separate fine may be assessed for each day the violation occurred or continued to the extent the
6 violation on that day was alleged in the Notice of Violation.

7 SECTION 2: Title 6, Chapter 50 of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 530, reading:

9 **6.50.530:** It is unlawful for a licensee to violate any condition of an alcoholic beverage license and
10 unlawful for a licensee to knowingly permit an employee of the licensee to violate any condition of an
11 alcohol beverage license.

12 SECTION 3: Title 6, Chapter 2 of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 361, reading:

14 **6.02.361:** (A) If a licensee is convicted in criminal court for any three violations of LVMC 6.50
15 or a licensee is found liable to the City for three violations of LVMC 6.50 pursuant to the provisions at
16 LVMC 6.02.390-LVMC 6.02.460 within any twelve month period, the Director may take one or more of
17 the following actions:

18 (1) require the licensee to appear before the City Council for disciplinary
19 action pursuant to the provisions at LVMC 6.02.330-LVMC 6.02.360;

20 (2) immediately suspend the alcoholic beverage license of the licensee until
21 such time as the licensee appeals the suspension pursuant to the provisions of LVMC 6.02.110. If the
22 Director suspends the alcoholic beverage license of the licensee, the Director shall, prior to the suspension
23 of such license, provide a written statement to the licensee informing the licensee of the grounds upon
24 which the suspension is initiated, the time period for which the suspension is effective and a copy of
25 LVMC 6.02.110 indicating the licensee's right to appeal.

26 (B) This provision shall not limit the Director or City Council's ability to bring any

1 licensee forward for discipline at any time.

2 SECTION 4: Title 10, Chapter 77, Section 30, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 10.77.030: [The provisions of Paragraph (3) of Subsection (B) of Section 10.77.020 do not apply to any
5 special event that takes place within the boundaries of the Pedestrian Mall described in LVMC 11.68.040.]

6 (A) Within the Pedestrian Mall as described at LVMC 11.68, it is unlawful for a
7 person to:

8 (1) possess an alcoholic beverage in an open glass container, an open metal
9 container or in its original packaging in an open condition; or

10 (2) consume any alcoholic beverage in any glass container, metal container or
11 from its original packaging.

12 SECTION 5: Title 10, Chapter 76, Section 20, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **10.76.020:** [(A)] For any special event that will take place on New Years Eve, the fourth of July or
15 at any other time at which more than one thousand spectators or participants are expected to attend, it is
16 unlawful for any person to possess or consume an alcoholic beverage in any glass or metal container during
17 any of the following times if the producer or promoter has complied with the provisions of Subsection (B)
18 of Section 6.78.045:

19 [(1)] (A) Between the hours of 6:00 P.M. on December 31st and 6:00 A.M. on January 1st
20 of each year.

21 [(2)] (B) Between the hours of 6:00 P.M. on July 4th and 6:00 A.M. on July 5th of each
22 year.

23 [(3)] (C) During the period of time beginning two hours before the start of the special event
24 and ending two hours after the special event is over.

25 [(B) The provisions of Paragraph (3) of Subsection (A) of this Section do not apply to
26 any special event that takes place within the boundaries of the Pedestrian Mall described in LVMC

1 11.68.040.]

2 SECTION 6: Title 11, Chapter 68, Section 100, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.68.100:** (A) The following are prohibited within the Pedestrian Mall:

5 (1) Parades;

6 (2) Sleeping or camping;

7 (3) Littering;

8 (4) Sexually oriented businesses as described in Section 19.04.040;

9 [(5) Glass and metal beverage containers including, but not limited to, bottles,
10 jugs, drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on
11 December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;]

12 [(6)] (5) Feeding birds; and

13 [(7)] (6) Solicitation by coercion, as defined in Section 10.44.010.

14 (B) The following are prohibited within the Pedestrian Mall, except under the
15 conditions stated:

16 (1) Animals, unless used in connection with a mall activity authorized by The
17 Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually or
18 aurally impaired;

19 (2) Mall vending, special events or other commercial activities, unless such
20 activities are conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

21 (3) The use of unicycles, bicycles and other types of cycles, skateboards, roller
22 skates, in-line skates, hula hoops larger than four feet in diameter, and shopping carts, except as authorized
23 by The Fremont Street Experience Limited Liability Company in connection with special events and mall
24 entertainment;

25 (4) The placement of any table, rack, chair, box, cloth, stand, booth, container,
26 structure or other object within the Pedestrian Mall, except:

1 (a) As conducted by or on behalf of The Fremont Street Experience
2 Limited Liability Company; or

3 (b) As specifically permitted under Sections 11.68.105 and 11.68.107;

4 (5) Amplified sound which originates from within the Pedestrian Mall or from
5 properties or businesses abutting the boundaries of the Pedestrian Mall, except where conducted by or on
6 behalf of The Fremont Street Experience Limited Liability Company or as permitted under Section
7 11.68.107;

8 (6) The launching or throwing of projectiles or other objects into or through
9 the air, except in connection with events that are conducted by or on behalf of The Fremont Street
10 Experience Limited Liability Company or are permitted pursuant to Section 11.68.107;

11 (7) Entertainment and related services for which a fee is charged, either before
12 or after the entertainment and related services are performed, except in connection with events that are
13 conducted by or on behalf of The Fremont Street Experience Limited Liability Company;

14 (8) The distribution of food, beverage or tobacco items, except in connection
15 with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability
16 Company; or

17 (9) Commercial photography, filming or videotaping, except in connection
18 with events that are conducted by or on behalf of The Fremont Street Experience Limited Liability
19 Company.

20 SECTION 7: Title 6, Chapter 50, Section 475 of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended as follows:

22 **6.50.475:** A person authorized to sell alcoholic beverages at an establishment pursuant to an off-sale
23 or package alcoholic beverage license directly adjacent to or upon a pedestrian mall:

24 (A) Shall not sell or otherwise distribute any single serving products containing alcohol
25 for immediate consumption by a patron, including, but not limited to, candy, jello shots or other products
26 containing alcohol that are not considered alcoholic beverages;

1 (B) Shall not sell or otherwise distribute any alcoholic beverage in a configuration
2 other than in the manufacturers' original configuration intended for re-sale;

3 (C) Shall not sell or otherwise distribute any malt or beer beverage in any container
4 with a capacity of greater than 32 liquid ounces;

5 (D) Shall not sell or otherwise distribute any malt or beer beverage with an alcoholic
6 content of greater than eleven percent alcohol by volume;

7 (E) Shall not sell or otherwise distribute alcoholic beverages, except beer or wine in
8 containers less than one pint, measured in the English system of weights and measures, or in quantities less
9 than three hundred seventy-five milliliters, measured in the metric system of weights and measures;

10 (F) Shall not advertise or display any prices for alcoholic beverages within the
11 establishment that are visible to a person standing outside of the establishment;

12 (G) Shall limit any advertising of alcoholic beverages for sale within the establishment
13 to the windows of the establishment only, and such advertising shall not include the price of the alcoholic
14 beverages so advertised;

15 (H) Shall limit advertising of any products upon the windows of the establishment to
16 twenty-five percent of the total window area (as permitted by Title 19), and shall limit the advertisement of
17 alcoholic beverages upon the windows of the establishment to forty percent of that total;

18 (I) Shall post a sign no lower than three feet and no higher than seven feet at each sale
19 counter and at each entrance and exit of the establishment that states: "Alcohol purchased at this location
20 CANNOT be consumed on the Fremont Street Experience." Such signs must:

21 (1) Be yellow with black lettering;

22 (2) At least 14 inches by 20 inches on each display of alcoholic beverages and
23 at each sale counter in a prominent position. Font size must be a minimum of 72.

24 (3) At least 20 inches by 24 inches on each entrance and exit. Font size must
25 be a minimum of 72;

26 (J) Shall not locate any display of alcoholic beverages inside the establishment within

1 ten feet from any entrance or exit of the establishment;

2 (K) Shall not provide any means of display of alcoholic beverages, whether a barrel, a
3 shelf, a cooler or any other means to display alcoholic beverages outside of any entrance or exit to the
4 establishment;

5 (L) Shall only devote to the display of alcoholic beverages an area within the
6 establishment which is the lesser of: 1) the area authorized by the land use entitlement for alcoholic
7 beverage sales; or 2) 10% of its gross retail floor area[.]; and

8 (M) Shall place any alcoholic beverage(s) purchased at the establishment into a bag that
9 must be closed by means of a fastener (such as a staple, sticker, seal or some other means) to be used to
10 transport the unopened alcoholic beverage(s) within the Pedestrian Mall as described at LVMC 11.68.

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

18 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared to
19 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
20 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
21 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
22 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
23 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
24 of this ordinance shall constitute a separate offense.

25 ...

26 ...

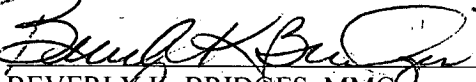
1 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
3 Edition, in conflict herewith are hereby repealed.

4
5 PASSED, ADOPTED and APPROVED this 18TH day of June, 2014.

6 APPROVED:

7
8 By 
CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 
BEVERLY K. BRIDGES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 
James B. Lewis,
14 Deputy City Attorney

0/18/14
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 21st day of May, 2014, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 18th day of June, 2014,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross,
Barlow, Coffin and Beers

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11
12 APPROVED:

13 
14 _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 _____
BEVERLY K. BRIDGES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000197497

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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/23/2014 to 05/23/2014, on the following days:

05 / 23 / 14

BILL NO. 2014-34

AN ORDINANCE AMENDING LVMC 6.02 TO INCREASE CIVIL PENALTIES FOR VIOLATIONS OF LVMC 6.50 AND CLARIFYING THAT THE DIRECTOR MAY SUSPEND AN ALCOHOLIC BEVERAGE LICENSE ON AN ADMINISTRATIVE BASIS UNDER CERTAIN CIRCUMSTANCES, ADDING A NEW CONDITION TO LVMC 6.50 TO CLARIFY THAT A LICENSEE'S VIOLATION, OR KNOWINGLY PERMITTING AN EMPLOYEE TO VIOLATE A CONDITION OF AN ALCOHOLIC BEVERAGE LICENSE IS A MISDEMEANOR, AND CREATING A ZONE IN THE DOWNTOWN AREA WHERE THE POSSESSION OF GLASS OR METAL CONTAINERS FOR THE CONSUMPTION OF BEVERAGES IS PROHIBITED AND THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN ITS ORIGINAL PACKAGING IS PROHIBITED, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Brad Jerbic
Summary: Updates various sections of LVMC Title 6 to increase civil penalties for violations of LVMC 6.50, clarifying that the Director may suspend an alcoholic beverage license on an administrative basis under certain circumstances, adding a new condition to LVMC 6.50 to clarify that a licensee's violation, or knowingly permitting an employee to violate a condition of an alcoholic beverage license is a misdemeanor, and creating a zone in the downtown area where the possession of glass or metal containers for the consumption of beverages is prohibited and the consumption of alcoholic beverages in its original packaging is prohibited.

At the City Council meeting of May 21, 2014
BILL NO. 2014-34 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE.

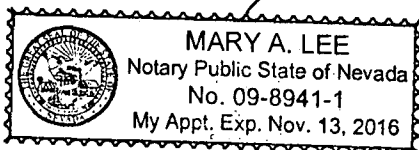
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: May 23, 2014
LV Review-Journal

Stacey M. Lewis

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of May, 2014

Notary *Mary Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
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LAS VEGAS NV 89101

Account # 22515
Ad Number 0000226764

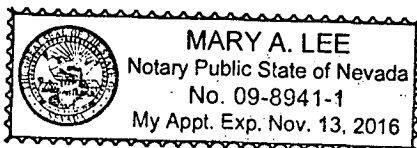
Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/21/2014 to 06/21/2014, on the following days:

06 / 21 / 14

Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of June, 2014

Mary A. Lee
Notary



SECOND AMENDMENT
BILL NO. 2014-34
ORDINANCE NO. 6329
AN ORDINANCE AMENDING LVMC 6.02 TO INCREASE CIVIL PENALTIES FOR VIOLATIONS OF LVMC 6.50 AND CLARIFYING THAT THE DIRECTOR MAY SUSPEND AN ALCOHOLIC BEVERAGE LICENSE ON AN ADMINISTRATIVE BASIS UNDER CERTAIN CIRCUMSTANCES, ADDING A NEW CONDITION TO LVMC 6.50 TO CLARIFY THAT A LICENSEE'S VIOLATION, OR KNOWINGLY PERMITTING AN EMPLOYEE TO VIOLATE A CONDITION OF AN ALCOHOLIC BEVERAGE LICENSE IS A MISDEMEANOR, AND CREATING A ZONE IN THE DOWNTOWN AREA WHERE THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN GLASS OR METAL CONTAINERS IS PROHIBITED, THE POSSESSION OF OPEN ALCOHOLIC BEVERAGES IN ITS ORIGINAL PACKAGING IS PROHIBITED, AND TO REQUIRE THAT ALCOHOLIC BEVERAGES BOUGHT AT A PACKAGE LIQUOR OR OFF-SALE LICENSEE WITHIN THE PEDESTRIAN MALL BE PLACED IN A BAG PRIOR TO THE CUSTOMER LEAVING THE ESTABLISHMENT AND TO PROVIDE FOR OTHER RELATED MATTERS.
Proposed by: Bradford Jerbic, City Attorney
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 21st day of May 2014, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 18th day of June 2014, 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 a Second Amendment and was adopted by the following vote:
VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross, Barlow, Coffin and Beers
VOTING "NAY": NONE
EXCUSED: NONE
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
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