

FIRST AMENDMENT

BILL NO. 2014-48

ORDINANCE NO. 6336

AN ORDINANCE AMENDING LVMC 6.50.475 TO REQUIRE THAT ALCOHOLIC BEVERAGES BOUGHT AT A PACKAGE LIQUOR OR OFF-SALE LICENSEE WITHIN THE PEDESTRIAN MALL DEFINED BY LVMC 11.68 BE PLACED IN A SEPARATE BAG AND FASTENED PRIOR TO THE CUSTOMER LEAVING THE ESTABLISHMENT, AND THAT SIGNAGE RELATED TO THE OPENING OF SUCH BAG BE POSTED; AMENDING LVMC 10.76 TO PROHIBIT A PERSON FROM OPENING OR POSSESSING AN OPEN BAG CONTAINING ALCOHOLIC BEVERAGES CLOSED IN ACCORDANCE WITH LVMC 6.50.475(M) ON OR ALONG THE PEDESTRIAN MALL DEFINED BY LVMC 11.68; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends LVMC 6.50.475 to require that alcoholic beverages bought at a package liquor or off-sale licensee within the Pedestrian Mall be placed in a separate bag and fastened prior to the customer leaving the establishment, and to require posting of signage relating to the opening of such bag; and amends LVMC 10.76 to prohibit a person from opening/possessing an open bag containing alcoholic beverages closed in accordance with LVMC 6.50.475(M) on or along the Pedestrian Mall defined by LVMC 11.68.

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

FOLLOWS:

SECTION 1: Title 6, Chapter 50, Section 475 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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

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

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

(C) Shall not sell or otherwise distribute any malt or beer beverage in any container

1 with a capacity of greater than 32 liquid ounces;

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

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

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

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

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

15 (I) Shall post [a sign] one or more signs no lower than three feet and no higher than
16 seven feet at each sale counter and at each entrance and exit of the establishment that [states:] state as
17 follows: "Alcohol purchased at this location CANNOT be consumed on the Fremont Street Experience[.]"
18 and "Any bag containing an alcoholic beverage purchased at this location CANNOT be opened on the
19 Fremont Street Experience." Each sign that refers to the prohibition regarding the opening of a bag must
20 indicate that a violation may result in confiscation of the alcoholic beverages contained in such a bag. Such
21 signs must:

22 (1) Be yellow with black lettering;

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

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

1 (J) Shall not locate any display of alcoholic beverages inside the establishment within
2 ten feet from any entrance or exit of the establishment;

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

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

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

12 (M) Shall place any alcoholic beverage(s) purchased at the establishment into a bag
13 (the "separate bag") that separates such beverages from any other purchases made at the establishment. The
14 separate bag shall be used to transport the unopened alcoholic beverage(s) within the Pedestrian Mall as
15 described at LVMC 11.68. The separate bag shall be closed by the licensee or a person employed by the
16 licensee by means of a fastener (such as a staple, sticker, seal or some other means) prior to the customer
17 leaving the establishment with the alcoholic beverage(s). The purchase receipt for such alcoholic
18 beverages shall be affixed to the separate bag by the licensee or a person employed by the licensee in such
19 a way that does not permit the opening of that bag by the customer without tearing or otherwise mutilating
20 the receipt, and such receipt must include the date and time of the purchase together with a description of
21 the alcoholic beverage(s) purchased by the customer.

22 SECTION 2: Title 10, Chapter 76 of the Municipal Code of the City of Las Vegas,
23 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 30, reading as follows:

24 **10.76.030:** It is unlawful for a person to open and/or possess an open bag containing alcoholic
25 beverages closed in accordance with LVMC 6.50.475(M) on or along the Pedestrian Mall defined by
26 LVMC 11.68. The sole penalty for a violation of this Section is that a peace officer or other officer

1 authorized to enforce this Section may confiscate any alcoholic beverage associated with the violation.

2 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
3 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
4 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
5 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City
6 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
7 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
8 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

9 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, in conflict herewith are hereby repealed.

12 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared to
13 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
14 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
15 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and, except as
16 otherwise provided herein, upon conviction thereof, shall be punished by a fine of not more than \$1,000.00

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1 or by imprisonment for a term of not more than six months, or by any combination of such fine and
2 imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

3 PASSED, ADOPTED and APPROVED this 16th day of July, 2014.

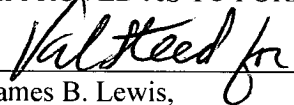
4 APPROVED:

5 By: 
6 CAROLYN G. GOODMAN, Mayor

7 ATTEST:

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9 BEVERLY K. BRIDGES, MMC
City Clerk

10 APPROVED AS TO FORM:

11  7/17/14
12 James B. Lewis, Date
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 2nd day of July, 2014, and was heard by the Council as a whole, without referral to a
3 committee for recommendation, at a meeting on the 16th day of July, 2014, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was
5 read by title to the City Council as amended and adopted by the following vote:

6 VOTING "AYE": Mayor Goodman and Councilmembers, Tarkanian, Barlow and
Coffin

7 VOTING "NAY": Councilmembers Anthony, Ross and Beers

8 EXCUSED: None

9 ABSTAINED: None

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APPROVED:


CAROLYN G. GOODMAN, Mayor

ATTEST:


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 0000239043**

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 07/03/2014 to 07/03/2014, on the following days:

07 / 03 / 14

BILL NO. 2014-48

AN ORDINANCE AMENDING LVMC 10.76 TO PROHIBIT A PERSON FROM OPENING A BAG CONTAINING ALCOHOLIC BEVERAGES CLOSED IN ACCORDANCE WITH LVMC 6.50.475(M) ON OR ALONG THE PEDESTRIAN MALL DEFINED BY LVMC 11.68 AND FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: An ordinance amending LVMC 10.76 to prohibit a person from opening a bag containing alcoholic beverages closed in accordance with LVMC 6.50.475(M) on or along the pedestrian mall defined by LVMC 11.68.

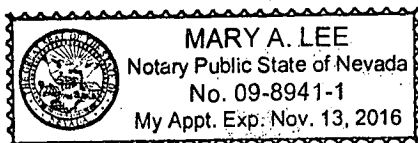
At the City Council meeting of July 2, 2014
BILL NO. 2014-48 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

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: July 3, 2014
LV Review: Journal

ISI Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 3rd day of July, 2014

Notary Mary Lee



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 0000253843

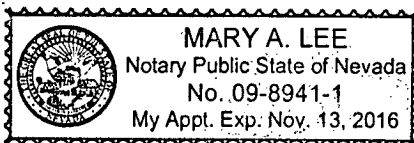
Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy 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 07/19/2014 to 07/19/2014, on the following days:

07 / 19 / 14

ISI *Stacey M. Lewis*
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of July, 2014

Notary *Mary Lee*



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ORDINANCE NO. 6336

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 2nd day of July 2014, and was heard by the Council as a whole, without referral to a committee for recommendation, at a meeting on the 16th day of July, 2014, which was a regular meeting of said Council; 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": Mayor Goodman and Councilmembers Tarkanian, Barlow and Coffin
VOTING "NAY": Councilmembers Anthony, Ross and Beers
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
PUB: July 19, 2014
LV Review-Journal