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BILL NO. 2018-52

ORDINANCE NO. 6657

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE MUNICIPAL CODE TO REGULATE THE SALE, DISPLAY AND CONSUMPTION OF ALCOHOLIC BEVERAGES, AS WELL AS THE POSSESSION OF OPEN CONTAINERS, WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends various provisions of the Municipal Code to regulate the sale, display and consumption of alcoholic beverages, as well as the possession of open containers, within the Downtown Entertainment Overlay District.

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

SECTION 1: Title 6, Chapter 50, Section 470, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.470: It is unlawful for any person to sell any alcoholic beverage in any glass or metal container at any special event which is described in LVMC [6.78.045,] Chapter 12.02, as follows:

- (A) Between the hours of 6:00 P.M. on December 31st and 6:00 A.M. on January 1st of each year.
- (B) Between the hours of 6:00 P.M. on July 4th and 6:00 A.M. on July 5th of each year.
- (C) During the period of time beginning two hours before the start of the special event and ending two hours after the special event is over.

SECTION 2: 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 located 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;

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 thirty-two 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
9 less than three hundred seventy-five milliliters, measured in the metric system of weights and measures;

10 (F) Shall post one or more signs no lower than three feet and no higher than seven feet
11 at each sale counter and at each entrance and exit of the establishment that state as follows:

12 "Alcohol purchased at this location CANNOT be consumed on the Fremont Street
13 Experience" and "Any bag containing an alcoholic beverage purchased at this location
14 CANNOT be opened on the Fremont Street Experience."

15 →Each sign that refers to the prohibition regarding the opening of a bag must indicate that a violation may
16 result in confiscation of the alcoholic beverages contained in such a bag. Such signs must[:] be:

17 (1) [Be yellow] Yellow with black lettering[;].

18 (2) At least fourteen inches by twenty inches on each display of alcoholic
19 beverages and at each sale counter in a prominent position. Font size must be a minimum of seventy-two
20 points.

21 (3) At least twenty inches by twenty-four inches [on] at each entrance and
22 exit. Font size must be a minimum of seventy-two points;

23 (G) Shall not locate any display of alcoholic beverages inside the establishment within
24 ten feet from any entrance or exit of the establishment;

25 (H) Shall not provide any means of display of alcoholic beverages, whether a barrel, a
26 shelf, a cooler or any other means to display alcoholic beverages outside of any entrance or exit to the

1 establishment;

2 (I) Shall only devote to the display of alcoholic beverages an area within the
3 establishment which is the lesser of: 1) the area authorized by the land use entitlement for alcoholic
4 beverage sales; or 2) ten percent of its gross retail floor area; and

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

15 SECTION 3: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, is hereby amended to add a new section, designated as Section 477, reading as follows:

17 **6.50.477:** (A) Except as otherwise provided by Subsection (B), a person authorized to sell
18 alcoholic beverages at an establishment pursuant to an off-sale or package alcoholic beverage license located
19 within the Downtown Entertainment Overlay District:

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

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

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

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

4 (5) Shall post one or more signs no lower than three feet and no higher than
5 seven feet at each sale counter and at each entrance and exit of the establishment that state as follows:

6 "Alcohol purchased at this location CANNOT be consumed within the Downtown
7 Entertainment Overlay District" and "Any bag containing an alcoholic beverage purchased
8 at this location CANNOT be opened within the Downtown Entertainment Overlay District."

9 →Each sign that refers to the prohibition regarding the opening of a bag must indicate that a violation may
10 result in confiscation of the alcoholic beverages contained in such a bag. Such signs must be:

11 (a) Yellow with black lettering.

12 (b) At least fourteen inches by twenty inches on each display of
13 alcoholic beverages and at each sale counter in a prominent position. Font size must be a minimum of
14 seventy-two points.

15 (c) At least twenty inches by twenty-four inches at each entrance and
16 exit. Font size must be a minimum of seventy-two points;

17 (6) Shall not locate any display of alcoholic beverages inside the establishment
18 within ten feet from any entrance or exit of the establishment;

19 (7) Shall not provide any means of display of alcoholic beverages, whether a
20 barrel, a shelf, a cooler or any other means to display alcoholic beverages outside of any entrance or exit to
21 the establishment;

22 (8) Shall only devote to the display of alcoholic beverages an area within the
23 establishment which is the lesser of: 1) the area authorized by the land use entitlement for alcoholic beverage
24 sales; or 2) ten percent of its gross retail floor area; and

25 (9) Shall place any alcoholic beverage(s) purchased at the establishment into a
26 bag (the "separate bag") that separates such beverages from any other purchases made at the establishment.

1 The separate bag shall be used to transport the unopened alcoholic beverage(s) within the Downtown
2 Entertainment Overlay District. The separate bag shall be closed by the licensee or a person employed by the
3 licensee by means of a fastener (such as a staple, sticker, seal or some other means) prior to the customer
4 leaving the establishment with the alcoholic beverage(s). The purchase receipt for such alcoholic beverages
5 shall be affixed to the separate bag by the licensee or a person employed by the licensee in such a way that
6 does not permit the opening of that bag by the customer without tearing or otherwise mutilating the receipt,
7 and such receipt must include the date and time of the purchase together with a description of the alcoholic
8 beverage(s) purchased by the customer.

9 (B) The requirements of Subsection (A) do not apply to any activity authorized in
10 connection with:

- 11 (1) A special event permit issued pursuant to LVMC Chapter 12.02; or
12 (2) The operation of an outdoor entertainment complex pursuant to LVMC
13 6.50.250.

14 SECTION 4: Title 10, Chapter 76, Section 10, of the Municipal Code of the City of Las
15 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **10.76.010:** (A) At any of the following locations, it is unlawful for any person to drink an alcoholic
17 beverage or to possess an open container of alcoholic beverage which was purchased in an original sealed
18 or corked container:

19 (1) Upon any premises, including the parking lot, of an establishment which
20 is licensed to sell alcoholic beverages on an off-sale basis;

21 (2) Upon property, other than residential property, located within one
22 thousand feet of an establishment which is licensed to sell alcoholic beverages on an off-sale basis; [or]

23 (3) Upon property, other than residential property or property designated in
24 time-limited special event licenses issued pursuant to LVMC Chapter 6.50, located within one thousand
25 feet of a church, synagogue, public or private school, hospital, special care facility, withdrawal
26 management facility or homeless shelter[.] ; or

1 (4) Within the boundaries of the Downtown Entertainment Overlay District
2 described in LVMC 19.10.120, except as otherwise permitted in connection with:

3 (a) A special event permit issued pursuant to LVMC Chapter 12.02;
4 or

5 (b) The operation of an outdoor entertainment complex pursuant to
6 LVMC 6.50.250.

7 (B) The distances referred to in Subsection (A) shall be determined with reference to
8 the shortest distance between the point of consumption or possession of an open container of alcoholic
9 beverage and the nearest portion of any of the designated structures without regard to intervening obstacles.

10 (C) For purposes of this Section, "off-sale basis" means the sale of alcoholic beverages
11 in original sealed or corked containers for consumption off the premises where the same are sold.

12 SECTION 5: Title 10, Chapter 76, Section 30, of the Municipal Code of the City of Las
13 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **10.76.030:** It is unlawful for a person to open and/or possess an open bag containing alcoholic
15 beverages closed in accordance with LVMC 6.50.475(J) or LVMC 6.50.477(A)(9) on or along the
16 Pedestrian Mall defined by LVMC Chapter 11.68[.] or within the boundaries of the Downtown
17 Entertainment Overlay District described in LVMC 19.10.120. The sole penalty for a violation of this
18 Section is that a peace officer or other officer authorized to enforce this Section may confiscate any
19 alcoholic beverage associated with the violation.

20 SECTION 6: Title 10, Chapter 77, Section 30, of the Municipal Code of the City of Las
21 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **10.77.030:** (A) [Within the Pedestrian Mall as described at LVMC 11.68, it is unlawful for a
23 person to:] Except as otherwise provided in Subsection (B), it is unlawful for a person to do any of the
24 following within the Pedestrian Mall described in LVMC Chapter 11.68 or the Downtown Entertainment
25 Overlay District described in LVMC 19.12.120:

26 (1) Possess an alcoholic beverage in an open glass container, an open metal

1 container or in its original packaging in an open condition; or

2 (2) Consume any alcoholic beverage in any glass container, metal container
3 or from its original packaging.

4 (B) The prohibitions contained in Subsection (A) do not apply to any activity
5 authorized in connection with:

6 (1) A special event permit issued pursuant to LVMC Chapter 12.02; or

7 (2) The operation of an outdoor entertainment complex pursuant to LVMC
8 6.50.250.

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

16 SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared to
17 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
18 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
19 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
20 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
21 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
22 of this ordinance shall constitute a separate offense.

23 ...

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25 ...

26 ...


1 SECTION 9: 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 PASSED, ADOPTED and APPROVED this 21st day of November, 2018.

5 APPROVED:

6 By 
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 10-8-18
13 Val Steed, 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 17th day of October, 2018, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 21st day of November,
4 2018, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers, Tarkanian, Anthony,
8 Coffin, Fiore, Seroka and Crear

9 VOTING "NAY": None

10 EXCUSED: None

11 ABSTAINED: None

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APPROVED:

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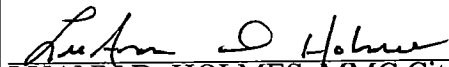


CAROLYN G. GOODMAN, Mayor

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ATTEST:

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LUANN D. HOLMES, MMC City Clerk

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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 0001016723

RECEIVED
CITY CLERK

2018 NOV 14 P 12: 14

Leslie McCormick, 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 11/08/2018 to 11/08/2018, on the following days

11 / 08 / 18

BILL NO. 2018-52

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE MUNICIPAL CODE TO REGULATE THE SALE, DISPLAY AND CONSUMPTION OF ALCOHOLIC BEVERAGES, AS WELL AS THE POSSESSION OF OPEN CONTAINERS, WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Bradford R Jerbic, City Attorney

Summary: Amends various provisions of the Municipal Code to regulate the sale, display, and consumption of alcoholic beverages, as well as the possession of open containers, within the Downtown Entertainment Overlay District.

At the City Council meeting of October 17, 2018

BILL NO. 2018-52 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: November 8, 2018
LV Review-Journal



LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of November, 2018

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS.

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CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001019444

2018 NOV 29 A 11: 59

Leslie McCormick, 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 11/24/2018 to 11/24/2018, on the following days:

11 / 24 / 18

BILL NO. 2018-52
ORDINANCE NO. 6657

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE MUNICIPAL CODE TO REGULATE THE SALE, DISPLAY AND CONSUMPTION OF ALCOHOLIC BEVERAGES, AS WELL AS THE POSSESSION OF OPEN CONTAINERS, WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Amends various provisions of the Municipal Code to regulate the sale, display and consumption of alcoholic beverages, as well as the possession of open containers, within the Downtown Entertainment Overlay District.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of October, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of November, 2018, 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 first introduced and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Anthony, Coffin, Seroka, Flore and Crear

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

PUB: November 24, 2018
LV Review-Journal

[Signature]

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of November, 2018

Notary *[Signature]*

