

1 **BILL NO. 2019-10**

2 **ORDINANCE NO. 6681**

3 AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF LVMC TITLES 6 AND 19 TO ESTABLISH
4 THE LICENSING AND LAND-USE MEANS AND LIMITATIONS BY WHICH BREW PUBS AND
5 ANCILLARY BREW PUBS MAY SELL MALT BEVERAGES FOR OFF-PREMISE CONSUMPTION,
6 AND TO PROVIDE FOR OTHER RELATED MATTERS.

7 Sponsored by: Councilman Bob Coffin

Summary: Amends various provisions of LVMC
Titles 6 and 19 to establish the licensing and land-
use means and limitations by which brew pubs and
ancillary brew pubs may sell malt beverages for
off-premise consumption.

8
9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
10 FOLLOWS:

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

13 **6.50.050:** (A) Except as otherwise provided in this Section, [A] a beer/wine/cooler off-sale license
14 authorizes the sale, to consumers only and not for resale, only of beer, wine and coolers, in original sealed or
15 corked containers, for consumption off the premises where business is conducted.

16 (B) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City
17 Council declares that the public health, safety and general welfare of the City are best promoted and protected
18 by specifically limiting the type of establishments which are permitted to sell beer, wine and coolers in
19 original sealed or corked containers for consumption away from the establishment where such beverages are
20 purchased. A beer/wine/cooler off-sale license shall only be considered for or in conjunction with the
21 following types of establishments:

- 22 (1) Grocery store;
23 (2) Convenience store;
24 (3) Drugstore;
25 (4) General retail store;
26 (5) Resort hotel leased gift shop; [or]
- 10✓

1 (6) A restaurant that is licensed for the sale of alcoholic beverages pursuant to
2 LVMC 6.50.040[.] or

3 (7) A beer wine room licensed pursuant to LVMC 6.50.080, but only in
4 accordance with, and subject to the limitations of, Subsection (D) of this Section.

5 (C) Except for a resort hotel leased gift shop establishment, no person is entitled to apply
6 for consideration or issuance of a beer/wine/cooler off-sale license for any establishment located on or
7 adjacent to a pedestrian mall.

8 (D) In order for a beer wine room to be eligible to receive a beer/wine/cooler off-sale
9 license pursuant to Paragraph (7) of Subsection (C) of this Section, the beer wine room licensee must also
10 have a Nevada State license to manufacture malt beverages and must first present to the Department proof of
11 such licensure pursuant to NRS Chapter 369. A beer/wine/cooler off-sale license under this Subsection (D)
12 authorizes the sale for off-premise consumption of malt beverages only, and only those that have been
13 manufactured by the licensee. In addition to any other requirement or limitation that may apply, the sale of
14 malt beverages for off-premise consumption by an establishment licensed under this Subsection (D) is subject
15 to the following requirements and limitations:

16 (1) Beverages must be in their original sealed containers at the time of sale and
17 may be sold only from behind a bar or a storeroom; and

18 (2) Except as otherwise provided in this Paragraph (2), beverages must be sold
19 in six-pack configurations or in containers sold or provided by the establishment. Notwithstanding the
20 preceding limitation, the establishment may sell and provide a malt beverage to a customer in a sanitary
21 container provided by the customer, but only if:

22 (a) The container has a maximum capacity of one gallon;

23 (b) The licensee or the licensee's employee fills the container at the
24 time of sale;

25 (c) The container is thereafter sealed with a plastic adhesive or tamper-
26 evident seal; and

(d) The beverage is not consumed on the licensee's premises.

SECTION 2: Title 6, Chapter 50, Section 85, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read 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;

(3) A beer/wine room alcoholic beverage license pursuant to LVMC 6.50.080;

or

(4) An urban lounge alcoholic beverage license pursuant to LVMC 6.50.255.

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

(1) ~~[That the]~~ The manufacture and sale of the malt beverages produced at the location shall comply with all relevant State and Federal laws regarding the manufacture and sale of malt beverages;

(2) The manufacture and sale of malt beverages may only occur as an ancillary activity to the activities permitted by the primary license; ~~[and]~~

(3) Malt beverages manufactured by the licensee and sold at retail pursuant to NRS 597.230 must be in their original sealed containers at the time of sale and may be sold only from behind a bar or a storeroom; and

~~[(3)]~~ (4) Prior to issuance of an ancillary brew pub license by the City, the applicant shall present proof of State licensure of the establishment as a brew pub.

(C) Notwithstanding any provision of this Chapter that might otherwise prohibit or limit the activity, the holder of an ancillary brew pub alcoholic beverage license may dispense beer or cider in a container sold or provided by the licensee, or a sanitary container provided by the customer, with a maximum

1 capacity which does not exceed one gallon subject to the following conditions:

2 (1) The licensee or the licensee's employee fills the container at the time the
3 beer or cider is sold;

4 (2) The container is thereafter sealed with a plastic adhesive or tamper-evident
5 seal; and

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

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

12 SECTION 3: Ordinance No. 6289 and the Unified Development Code adopted as Title 19
13 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth in
14 Sections 4 to 7, inclusive, of this Ordinance. The amendments are deemed to be amendments to both
15 Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

16 SECTION 4: Title 19, Chapter 12, Section 70, is hereby amended by amending the
17 "Description" of the use "Beer/Wine/Cooler Off-Sale Establishment" to read as follows:

18 **Description:** An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine
19 and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off
20 the premises where business is conducted, and is operated in connection with a grocery store, drugstore,
21 convenience store, restaurant, [or] general retail store[.] or ancillary brew pub (as the last is referenced in
22 LVMC 6.50.085).

23 SECTION 5: Title 19, Chapter 12, Section 70, is hereby amended by amending the
24 "Description" of the use "Beer/Wine/Cooler On- and Off-Sale Establishment" to read as follows:

25 **Description:** An establishment:

26 1. Whose license to sell alcoholic beverages is generally limited to:

1 a. The sale of beer, wine and coolers for consumption only in connection with a meal on the
2 premises where the business is conducted; and

3 b. The sale of beer, wine and coolers to consumers only and not for resale, in original sealed or
4 corked containers, for consumption off the premises where the business is conducted; and

5 2. [Is] That is operated in connection with [a restaurant, grocery store, general retail store or
6 convenience store in which 30 or more people may be served with meals at any one time at tables or stools.]
7 one of the following:

8 a. Restaurant;

9 b. Grocery store;

10 c. General retail store

11 d. Convenience store in which 30 or more people may be served with meals at any time at
12 tables or stools;

13 e. Beer wine room with an ancillary brew pub, if in accordance with LVMC 6.50.085; or

14 f. Beer wine room that holds a Nevada license as a brew pub, if in accordance with LVMC
15 6.50.050(B)(7).

16 SECTION 6: Title 19, Chapter 18, Section 20, is hereby amended by amending the
17 definition of the term “Beer/Wine/Cooler Off-Sale Establishment” to read as follows:

18 **Beer/Wine/Cooler Off-Sale Establishment.** An [establishments] establishment whose license to sell
19 alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in
20 original sealed or corked containers, for consumption off the premises where the [same are sold,] business is
21 conducted, and is operated in connection with a grocery store, [drug store,] drugstore, convenience store,
22 restaurant, [or specialty merchandise store.] general retail store or ancillary brew pub (as the last is referenced
23 in LVMC 6.50.085).

24 SECTION 7: Title 19, Chapter 18, Section 20, is hereby amended by amending the
25 definition of the term “Beer/Wine/Cooler On- and Off-Sale Establishment” to read as follows:

26 **Beer/Wine/Cooler On- and Off-Sale Establishment.** An establishment:

1. Whose license to sell alcoholic beverages is generally limited to:

a. The sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the [same is sold;] business is conducted; and

b. The sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the [same are sold;] business is conducted; and

2. [Is] That is operated in connection with [a restaurant, grocery store, general retail store or convenience store in which 30 or more people may be served with meals at any one time at tables or stools.] one of the following:

a. Restaurant;

b. Grocery store;

c. General retail store

d. Convenience store in which 30 or more people may be served with meals at any time at tables or stools;

e. Beer wine room with an ancillary brew pub, if in accordance with LVMC 6.50.085; or

f. Beer wine room that holds a Nevada license as a brew pub, if in accordance with LVMC 6.50.050(B)(7).

SECTION 8: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.070 and 19.18.020 are deemed to be subchapters rather than sections.

SECTION 9: The Department of Planning is authorized and directed to incorporate into the Unified Development Code the amendments set forth in Sections 4 to 7, inclusive, of this Ordinance.

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

1 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

2 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared to
3 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
4 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
5 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
6 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
7 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
8 of this ordinance shall constitute a separate offense.

9 SECTION 12: 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 PASSED, ADOPTED and APPROVED this 3rd day of April, 2019.

13 APPROVED:

14 By Lois Tarkanian
15 ~~CAROLYN G. GOODMAN, Mayor~~
16 **Lois Tarkanian, Mayor Pro-Tem**

16 ATTEST:

17 Luann D. Holmes
18 LUANN D. HOLMES, MMC
City Clerk

19 APPROVED AS TO FORM:

20 Val Steed 2-21-19
21 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 6th day of March, 2019, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 3rd day of April, 2019, which as
4 a regular meeting of said Council; that at said regular meeting, the proposed ordinance was
5 read by title to the City Council and adopted by the following vote:

6 VOTING "AYE": Mayor Pro-Tem Tarkanian and Councilmembers Anthony, Coffin,
7 Fiore and Crear

8 VOTING "NAY": None

9 EXCUSED: Mayor Goodman

10 ABSTAINED: None

11
12
13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor
16 **Lois Tarkanian, Mayor Pro-Tem**

17 ATTEST:

18 
19 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001039609

2019 MAR 25 P 2: 22

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 03/21/2019 to 03/21/2019, on the following days:

03 / 21 / 19

BILL NO. 2019-10

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF LVMC TITLES 6 AND 19 TO ESTABLISH THE LICENSING AND LAND-USE MEANS AND LIMITATIONS BY WHICH BREW PUBS AND ANCILLARY BREW PUBS MAY SELL MALT BEVERAGES FOR OFF-PREMISE CONSUMPTION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Bob Coffin

Summary: Amends various provisions of LVMC Titles 6 and 19 to establish the licensing and land-use means and limitations by which brew pubs and ancillary brew pubs may sell malt beverages for off-premise consumption.

At the City Council meeting of
March 6, 2019

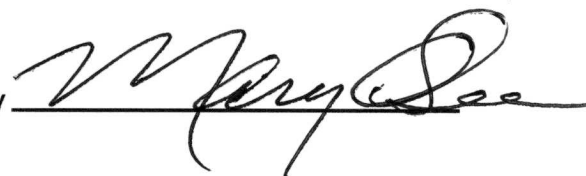
BILL NO. 2019-10 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

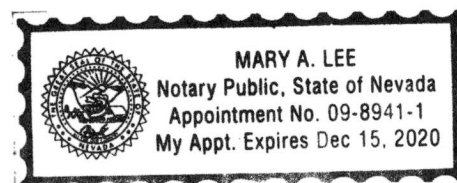
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: March 21, 2019
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 21st day of March, 2019

Notary 



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 0001043155

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2019 APR 11 A 11:10

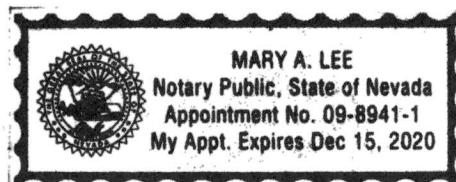
Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy 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 04/06/2019 to 04/06/2019, on the following days:

04 / 06 / 19

/s/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of April, 2019

Notary 



BILL NO. 2019-10
ORDINANCE NO. 6681

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF LVMC TITLES 6 AND 19 TO ESTABLISH THE LICENSING AND LAND-USE MEANS AND LIMITATIONS BY WHICH BREW PUBS AND ANCILLARY BREW PUBS MAY SELL MALT BEVERAGES FOR OFF-PREMISE CONSUMPTION, 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 6th day of March, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 3rd day of April, 2019, 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 Pro Tem Tarkanian and Councilmembers Anthony, Coffin, Fiore and Crear

VOTING "NAY": NONE

EXCUSED: Mayor Goodman

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 6, 2019
LV Review-Journal