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FIRST AMENDMENT

BILL NO. 2019-16

ORDINANCE NO. 6691

AN ORDINANCE TO AMEND LVMC 6.40.150 TO INCREASE THE NUMBER OF SLOT MACHINES THAT CAN BE OPERATED AT CERTAIN TAVERN LOCATIONS WITHIN THE CITY; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Michele Fiore

Summary: Amends LVMC 6.40.150 to increase the number of slot machines that can be operated at certain tavern locations within the City.

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

FOLLOWS:

SECTION 1: Title 6, Chapter 40, Section 150, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.40.150: (A) No nonrestricted gaming shall be conducted, maintained or operated in the City except:

(1) At a location which:

(a) On November 1, 1988, was licensed for nonrestricted gaming,

(b) Consists, or when the same is constructed will consist, of a restaurant which has full kitchen facilities and is located within a freestanding building that contains in excess of three thousand square feet of usable floor space under one roof and is separated along its entire exterior perimeter from any other commercial establishment either by a property line or by an unobstructed open area at least ten feet in width and with respect to which, on April 1, 1989, a tavern license had been issued pursuant to LVMC Chapter 6.50 or preliminary approval for a tavern license had been granted pursuant to LVMC Chapter 6.50, as the case may be, and an application for nonrestricted gaming had been filed with the State, or

(c) Consists of a licensed business premises that contains in excess of nine thousand square feet of usable floor space under one roof within which the gaming is, at all times, under the supervision of an attendant whose duties shall be limited solely to the making of change and supervising

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1 such gaming and with respect to which, on April 1, 1989, an application for nonrestricted gaming had been
2 filed with the State; provided, however, that such gaming shall be limited to the operation of not more than
3 thirty-five slot machines exclusive of any other form of gaming at any such location that, on April 1, 1989,
4 was licensed for slot machines only;

5 (2) At a location which:

6 (a) Is situated within the area that is bounded by the east side of Main
7 Street, the south side of Stewart Avenue, the west side of Third Street, and the north side of Carson Avenue,
8 or

9 (b) Fronts on either side of Jackson Avenue between "D" Street and
10 "G" Street or on either side of Owens Avenue between "H" Street and Martin Luther King Boulevard and
11 with respect to which on April 1, 1989, an application for nonrestricted gaming had been filed with the State;

12 (3) At a resort hotel which has in excess of two hundred guestrooms that are
13 available to the public. The provisions of this Paragraph do not apply to those hotel establishments holding a
14 nonrestricted gaming license issued before July 1, 1992, unless the establishment ceases gaming operations
15 for more than two years after July 1, 1992;

16 (4) At a location with respect to which a tavern license [has been applied for or]
17 was issued pursuant to LVMC Chapter 6.50 prior to July 1, 1992[;], or regarding which a tavern license had
18 been applied for by that date and was issued by December 31, 1992; provided, provided, however, that such
19 gaming shall be limited to the operation of not more than [twenty] thirty-five slot machines exclusive of any
20 other form of gaming; or

21 (5) At a retail outlet that contains at least five thousand square feet of usable
22 floor space and with respect to which a nonrestricted gaming license had been applied for prior to July 1,
23 1992, and with respect to which a special use permit for a general business related gaming establishment, as
24 that term is defined in LVMC Chapter 19.18, is obtained in accordance with LVMC Title 19; provided,
25 however, that a retail outlet not issued a special use permit prior to July 1, 1992, must have applied for the
26 same within ninety (90) days after it filed for a nonrestricted gaming license, and further provided that such

1 gaming shall be limited to the operation of not more than twenty slot machines exclusive of any other form
2 of gaming.

3 (6) At a location which a race book or sports pool gaming license has been
4 issued; provided, however, that a race book or sports pool gaming license shall only be issued to resort hotels
5 or to locations that are within a gaming enterprise district and that have been previously issued for gaming
6 other than slot machines. The provisions of this Paragraph shall apply to all applications for a race book or
7 sports pool gaming license filed with the City on or after July 1, 1992.

8 (B) Notwithstanding anything to the contrary that is provided in, or may be implied
9 from, Subsection (A) of this Section or Title 19 of this Code, effective January 1, 1990, no nonrestricted
10 gaming shall be conducted, maintained or operated on any parcel of land within the City unless:

11 (1) As of that date a gaming establishment is operating on that parcel pursuant
12 to a nonrestricted license;

13 (2) The parcel is zoned for resort and gaming purposes or the zoning of the
14 parcel for such purposes has been approved by the adoption by the City Council of a resolution of intent
15 pursuant to LVMC 19.92.120[;], as that section then existed;

16 (3) The parcel is zoned for resort and gaming purposes and an application for
17 aesthetic review with respect to the establishment that is proposed to be operated thereon had been filed prior
18 to October 5, 1988; provided, however, that the exception that is provided for in this Paragraph (3) applies
19 to the parcel only if it is developed by the person on whose behalf such application was filed; or

20 (4) The parcel is located within an area that has been designated as a gaming
21 enterprise district established pursuant to LVMC 6.40.160.

22 (C) Except as otherwise provided in LVMC 6.40.160(C), the inclusion of a parcel within
23 a gaming enterprise district established pursuant to LVMC 6.40.160 does not diminish the applicability of
24 the provisions of Title 19 of this Code to that parcel.

25 SECTION 2: Nothing in this Ordinance is intended or shall be deemed to authorize any
26 activity that is not permitted under State gaming law or regulations.

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

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

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1 SECTION 5: 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 19th day of June, 2019.

5 APPROVED:

6 By 
7 CAROL ANN G. GOODMAN, Mayor

8 ATTEST:

9 
10 LUANN D. HOLMES, MMC
City Clerk

11 APPROVED AS TO FORM:

12  6-17-19
13 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 15th day of May, 2019, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 19th day of June, 2019,
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 Tarkanian, Anthony
Coffin and Fiore
8 VOTING "NAY": None
9 EXCUSED: Crear
10 ABSTAINED: None

11
12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, 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 0001052488

Eileen Gallagher, 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 06/06/2019 to 06/06/2019, on the following days:

06 / 06 / 19

BILL NO. 2019-16

AN ORDINANCE TO AMEND LVMC 6.40.150 TO INCREASE THE NUMBER OF SLOT MACHINES THAT CAN BE OPERATED AT CERTAIN TAVERN LOCATIONS WITHIN THE CITY; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilwoman Michele Fiore

Summary: Amends LVMC 6.40.150 to increase the number of slot machines that can be operated at certain tavern locations within the City.

At the City Council meeting of
May 15, 2019

BILL NO. 2019-16 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: June 6, 2019
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 6th day of June, 2019

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

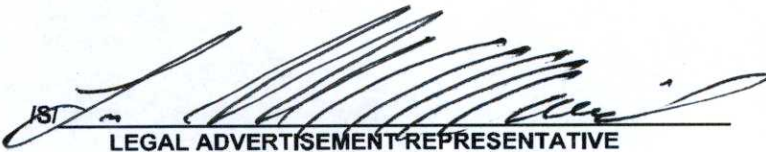
Account # 22515
Ad Number 0001055543

RECEIVED
CITY CLERK

2019 JUL -1 P 12:00

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 06/22/2019 to 06/22/2019, on the following days:

06 / 22 / 19


187
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 24th day of June, 2019

Notary 



FIRST AMENDMENT
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 15th day of May, 2019, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19th day of June, 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 amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Tarkanian, Anthony, Coffin and Fiore

VOTING "NAY": NONE
EXCUSED: Councilman Crear

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: June 22, 2019
LV Review-Journal