

BILL NO. 2020-5

ORDINANCE NO. 6727

AN ORDINANCE TO AMEND LVMC CHAPTER 6.50, RELATED TO THE LICENSING OF ALCOHOLIC BEVERAGE ESTABLISHMENTS, TO UPDATE PROVISIONS REGARDING THE REMOVAL OF BOTTLES OF WINE FROM CERTAIN TYPES OF ESTABLISHMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Stavros S. Anthony

Summary: Amends LVMC Chapter 6.50, related to the licensing of alcoholic beverage establishments, to update provisions regarding the removal of bottles of wine from certain types of establishments.

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

SECTION 1: Title 6, Chapter 50, Section 430, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.430: (A) Notwithstanding any other provision of this Chapter, but subject to Subsection [(D)] (E) of this Section, [the following types of establishments may permit a customer to bring a bottle of wine into the establishment for purposes of having the establishment pour and serve the wine in connection with a meal served to the customer:

- (1) Beer/wine/cooler on-sale;
- (2) Tavern;
- (3) Restaurant service bar; and
- (4) Restaurant with alcohol.]

an establishment that qualifies under Subsection (B) of this Section may permit a customer to bring a bottle of wine into the establishment for purposes of having the establishment pour and serve the wine in connection with a meal served to the customer.

(B) Establishments that are eligible to provide the service referred to in Subsection (A) are the following, but only if in each case the establishment also holds a restaurant license:

- (1) Beer/wine/cooler on-sale;

- (2) Tavern;
- (3) Restaurant service bar;
- (4) Restaurant with alcohol;
- (5) Tavern-limited;
- (6) Tavern-restricted;
- (7) Urban lounge;
- (8) Beer and wine room;
- (9) Ancillary lounge bar; and
- (10) General on-sale, as described in LVMC 6.50.060.

[(B)] (C) An establishment that provides the service referred to in Subsection (A) may charge a fee for the service (a “corking fee”).

[(C)] (D) The licensee of an establishment that provides the service referred to in Subsection (A) is responsible for ensuring that:

- (1) The contents of the bottle of wine brought into the establishment are fully consumed on the premises;
- (2) The bottle of wine remains on the premises and is disposed of by the establishment; or
- (3) If the contents of the bottle of wine are not fully consumed and the bottle is to be returned to the customer, the bottle is properly re-corked and placed in a tamper proof sealed single use bag manufactured expressly for the removal of partially consumed bottles of wine before it is returned to the customer to be taken off the premises.

[(D)] (E) This Section is a reflection of the City’s authority to regulate businesses serving alcoholic beverages and sets forth the parameters of regulation insofar as the City is concerned. Nothing in this Section is intended to diminish or otherwise affect the application of State laws or regulations governing the subject.

SECTION 2: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada,

1 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 435, reading as
2 follows:

3 **6.50.435:** (A) Notwithstanding any other provision of this Chapter, and in accordance with the
4 provisions of this Section, an establishment that qualifies under Subsection (B) of this Section may permit a
5 customer who has purchased a bottle of wine from the establishment for consumption in connection with a
6 meal served to the customer to take the bottle off the premises if the contents of the bottle have not been fully
7 consumed.

8 (B) Establishments that are eligible to provide the service referred to in Subsection (A)
9 are the following, but only if in each case the establishment also holds a restaurant license:

- 10 (1) Beer/wine/cooler on-sale;
- 11 (2) Tavern;
- 12 (3) Restaurant service bar;
- 13 (4) Restaurant with alcohol;
- 14 (5) Tavern-limited;
- 15 (6) Tavern-restricted;
- 16 (7) Urban lounge;
- 17 (8) Beer and wine room;
- 18 (9) Ancillary lounge bar; and
- 19 (10) General on-sale, as described in LVMC 6.50.060.

20 (C) An establishment that provides the service referred to in this Section may charge a
21 fee for the service.

22 (D) The licensee of an establishment that provides the service referred to in this Section
23 is responsible for ensuring that, before an unfinished bottle is removed from the premises, it has been properly
24 re-corked and placed in a tamper proof sealed single use bag manufactured expressly for the removal of
25 partially consumed bottles of wine.

26 **SECTION 3:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase

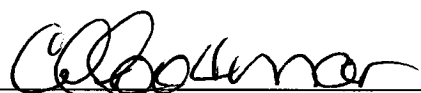
1 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
2 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
3 remaining portions of this ordinance or any part thereof. The City Council of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

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

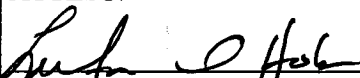
14 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
16 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this 18th day of March, 2020.

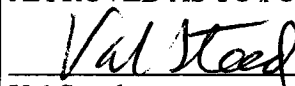
18 APPROVED:

19 By 
20 CAROLYN G. GOODMAN, Mayor

21 ATTEST:

22 
23 LUANN D. HOLMES, MMC
City Clerk

24 APPROVED AS TO FORM:

25  2-4-2020
26 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 19th day of February, 2020, and referred to a committee for recommendation;
3 hereafter the committee reported favorably on said ordinance on the 18th day of March,
4 2020, 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 and adopted by the following
6 vote:

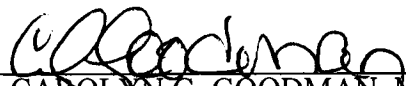
7 VOTING "AYE": Mayor Goodman and Councilmembers Fiore, Anthony, Crear,
8 Knudsen, Seaman and Diaz

9 VOTING "NAY": None

10 EXCUSED: None

11 ABSTAINED: None

12
13
14 APPROVED:

15 
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 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 0001095708

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 03/05/2020 to 03/05/2020, on the following days:

03 / 05 / 20

BILL NO. 2020-5

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Sponsored by:
Councilman Stavros S. Anthony

Summary: Amends LVMC Chapter 6.50, related to the licensing of alcoholic beverage establishments, to update provisions regarding the removal of bottles of wine from certain types of establishments.

At the City Council meeting of
February 19, 2020

BILL NO. 2020-5 WAS READ BY
TITLE
AND REFERRED TO A
RECOMMENDING COMMITTEE

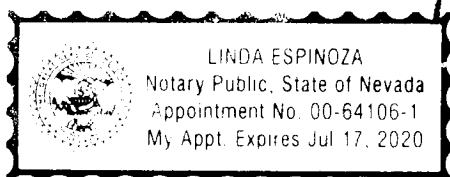
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE FOR
PUBLIC INFORMATION IN THE
OFFICE OF THE CITY CLERK, 2ND
FLOOR, 495 SOUTH MAIN
STREET, LAS VEGAS, NEVADA

PUB: March 5, 2020
LV Review-Journal

[Signature]
/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 5th day of March, 2020

Notary *Linda Espinoza*



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 0001099659

RECEIVED
CITY CLERK
2020 MAR 31 PM 5:36

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 03/21/2020 to 03/21/2020, on the following days:

03 / 21 / 20

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ORDINANCE NO. 6727**

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of February, 2020, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 18th day of March, 2020, 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 Flore, Anthony, Crear, Knudsen, Seaman and Diaz
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: March 21, 2020
LV Review-Journal

/s/ 
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of March, 2020

Notary 