

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
MONDAY, APRIL 14, 2003
4:00 P.M.

RECOMMENDING COMMITTEE COUNCILMEN WEEKLY AND MACK

CALL TO ORDER

ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 5/7/2003 CITY COUNCIL MEETING

1. ABEYANCE ITEM - Bill No 2002-145 – Repeals and replaces LVMC Chapter 6 50, relating to liquor control, and revises related zoning provisions Proposed by Mark Vincent, Director, Finance and Business Services
2. Bill No. 2003-32 – Ordinance Creating Special Improvement District No 1487 - Jones Boulevard (Beltway to Elkhorn Road) Sponsored by Step Requirement
3. Bill No 2003-33 – Annexation No ANX-1509 – Property location: On the south side of Tropical Parkway, 740 feet east of Rainbow Boulevard, Petitioned by: Eric M Cheese, Acreage: 2.19 acres; Zoned R-E (County zoning), U (DR) (City equivalent). Sponsored by Councilman Michael Mack
4. Bill No. 2003-34 – Annexation No. A-0080-01(A) – Property location. On the north side of Vegas Drive, 520 feet east of Michael Way; Petitioned by. Temporary Assistance for Domestic Crises, Inc, Acreage. 1.61 acres; Zoned R-E (County zoning), R-E (City equivalent) Sponsored by. Councilman Lawrence Weekly
5. Bill No 2003-36 – Eliminates the exemption from double penalties for delinquent handicapped parking violations. Proposed by: Mark Vincent, Director of Finance and Business Services
6. Bill No. 2003-37 – Adopts for use by the City the provisions of NRS 484 408 relating to handicapped parking spaces that are designed for the use of a vehicle with a side-loading wheelchair lift or for the loading and unloading of a wheelchair Proposed by. Michael Sheldon, Director of Detention and Enforcement
7. Bill No 2003-38 – Amends the Town Center Development Standards Manual to add to the list of signs that are permitted in Town Center Proposed by Robert S Genzer, Director of Planning and Development

CITIZENS PARTICIPATION. ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS

Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

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**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations
Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E Bonanza Road
Clark County Government Center, 500 S Grand Central Pkwy
Court Clerk’s Bulletin Board, City Hall
City Hall Plaza, Posting Board

(4:02)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2002-145 – Repeals and replaces LVMC Chapter 6.50, relating to liquor control, and revises related zoning provisions. Proposed by: Mark Vincent, Director, Finance and Business Services

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In addition to adding new alcoholic beverage licensing categories for banquet facilities, convention facilities, nonprofit club restaurant service bars, billiard parlors, convenience stores, art galleries, art studios, buses and limousines this bill reorganizes the presentation of the existing alcoholic beverage regulations, including moving related zoning matters from Chapter 6.50 to Title 19 of the City Code. Special use permit regulations for unlicensed locations hosting social events with alcoholic beverage sales are also established.

RECOMMENDATION:

ABEYANCE to the 4/14/2003 Recommending Committee meeting pursuant to the 3/17/2003 Recommending Committee.

First Reading – 12/18/2002; First Publication – N/A

BACKUP DOCUMENTATION:

Bill No. 2002-145

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2002-145 be abeyed to 5/19/2003.

NOTE: COUNCILMAN MACK abstained out of an abundance of caution since his brother-in-law, ANDREW DONNER, owns the Timbers Hospitality Group, even though there should be no impact on that business due to this bill.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF APRIL 14, 2003

City Attorney

Item 1 – Bill No. 2002-143

MINUTES – Continued:

JIM DiFIORE, Manager of Business Services, requested that this item be continued until 5/19/2003 in order to refine various amendments and to incorporate whatever changes may be necessary as a result of the pending supperclub gaming bill.

COUNCILMAN MACK confirmed that this bill is not actually related to the supperclub gaming bill, but that there is a connection as a result of the terms, definitions, regulations and standards in the supperclub gaming bill which might impact the liquor code.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:04)

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1 **BILL NO. 2002-145**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REPEAL AND REPLACE LVMC CHAPTER 6.50, RELATING TO
4 LIQUOR CONTROL; TO REVISE RELATED ZONING PROVISIONS; AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Proposed by: Mark Vincent, Director
6 Department of Finance and Business Services

Summary: Repeals and replaces LVMC Chapter
6.50, relating to liquor control, and revises
related zoning provisions.

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

9 SECTION 1: Title 6, of the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, is hereby amended by adding thereto a new Chapter, to be designated as Chapter 50, to
11 consist of the provisions set forth as Sections 2 to 67, inclusive, of this Ordinance.

12 SECTION 2: The City Council declares that this Liquor Control Chapter is an
13 exercise of the regulatory powers delegated to the City Council pursuant to the City Charter and NRS
14 268.090, inter alia. The regulations contained in this Chapter involve, to the highest degree, the
15 economic, social, physical and moral well-being of the residents and taxpayers of the City. The sale
16 or other disposition of alcoholic beverages is not a matter of right but of privilege, which would
17 otherwise be unlawful if it were not exercised pursuant to a license. This privilege may be denied,
18 revoked, conditioned, suspended or subjected to any other disciplinary action by the City in the
19 exercise of its police powers for the protection of the safety, welfare, health, peace and morals of the
20 residents and taxpayers thereof. Businesses engaged in the sale or other disposition of alcoholic
21 beverages must therefore comply with LVMC Chapter 6.06. Nothing in this Chapter shall be
22 construed to confer any legitimate claim of entitlement to any benefit which might otherwise devolve
23 upon any licensee or any person approved for suitability.

24 SECTION 3: Unless the context otherwise requires, the scope of all words in this
25 Chapter shall be liberally construed in order to effectuate the purpose of this Chapter, and, in
26 particular, the following words shall have the meaning ascribed to them as follows:

27 "Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid
28 which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or

1 more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted,
2 mixed or combined with other substances. Any liquid or solid containing beer or wine in combination
3 with any other alcoholic beverage shall not be construed to be beer or wine.

4 "Art gallery or art studio" means a business establishment where the general public is invited
5 to view artistic exhibitions, presentations and performances.

6 "Banquet facility" means any business establishment which is rented by individuals or groups
7 to accommodate private functions such as banquets, weddings, anniversaries, and other similar
8 celebrations. Such establishment may or may not include:

9 (A) Kitchen facilities for the preparation or catering of food.

10 (B) Outdoor gardens or reception facilities.

11 "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or
12 decoction of barley, malt, hops or similar product, or any combination thereof, in water.

13 "Billiard parlor" means a business establishment with twelve or more billiard tables, each
14 measuring a minimum of four and one-half feet by nine feet in size.

15 "Bus" means a motor vehicle licensed as a motor carrier pursuant to NRS Chapter 706, capable
16 of transporting sixteen passengers, including the driver, their baggage and light express.

17 "Commercial center" means a concentration of retail stores that:

18 (A) Contains at least eighty thousand square feet of retail space enclosed within a
19 building or buildings;

20 (B) Contains at least one anchor retail store of at least twenty thousand square feet;

21 (C) Includes a parking lot common to the retail stores; and

22 (D) Is situated on at least fifteen gross acres of land.

23 "Convenience store" means a retail establishment other than a drugstore, which:

24 (A) Offers for sale prepackaged food products, household items and other goods
25 commonly associated with those products and items, provided that not more than thirty percent of its
26 retail inventory is devoted to alcoholic beverages; and

27 (B) Contains not less than one thousand-two hundred square feet, nor more than
28 five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and

1 office areas.

2 “Convention facility” means a structure which has at least 250,000 square feet of floor space
3 utilized for scheduling, hosting or conducting a convention, trade show or temporary event, whether
4 the activity is open or closed to the general public.

5 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate
6 obtained from the fermentation of the natural contents of fruits or other agricultural products
7 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

8 “Drugstore” means a business establishment which occupies the entire business premises of
9 a building, or a portion of the business premises of a building which is segregated physically or
10 spatially from the rest of the business premises, where a State licensed pharmacist is present at all
11 times the pharmacy operation is open for the purpose of compounding or dispensing, or both
12 compounding and dispensing of drugs and medicines, and where a grill and fountain service is
13 permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health
14 items.

15 “Dues” means fees paid on a monthly, quarterly, semiannual or annual basis for the right to
16 participate in the planning of activities and the utilization of services offered by a nonprofit
17 corporation, association or organization. The term “dues” does not include fees paid for the purchase
18 of drinks, meals or other services offered by a nonprofit corporation, association or organization.

19 “Gift basket” means a receptacle or container that may be filled with food items or novelty
20 items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces
21 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
22 not greater than seven hundred fifty milliliters measured in the metric system of weights and
23 measures.

24 “Groceries” means staple food stuffs, dairy products, meats and produce meant for human
25 consumption; articles used in the preparation of food; and household supplies.

26 “Grocery store” means a business establishment which occupies all of the business premises
27 of a building or a portion of the business premises of a building which is segregated physically or
28 spatially from the rest of the business premises, and which contains more than five thousand square

1 feet of floor space for the display and sale of groceries, exclusive of warehouse and office space.

2 "Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages
3 are sold for consumption in the lounge area.

4 "Limousine" means a licensed motor carrier under NRS Chapter 706 engaged in transporting
5 persons for compensation without regard to regular routes or schedules.

6 "Liquor caterer" means a person who dispenses, serves or sells alcoholic beverages only for
7 consumption on the premises where the same are dispensed, served or sold during the times, dates and
8 places specified by permit.

9 "Liquor store" means a specialty retail store which does not allow entry to minors and which
10 deals exclusively in alcoholic liquors and related items including magazines, newspapers and
11 packaged snack foods.

12 "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any
13 name or description, brewed or produced from malt, wholly or in part.

14 "Meal" means an assortment of food listed on a menu or otherwise offered as entrees,
15 appetizers, side items and desserts available at various hours of the day. The term "meal" does not
16 include food listed on a menu or otherwise offered that consists solely of sandwiches or salads, or both
17 sandwiches and salads.

18 "Nonprofit club" means any nonprofit corporation, association or organization which has been
19 in continual existence for at least two years prior to applying for a license under this Chapter, and:

- 20 (A) Is organized or qualified to do business and operate under the laws of the State;
21 (B) Has tax-exempt status granted by the United States Internal Revenue Service;
22 (C) Has a membership of at least one hundred members who are twenty-one years
23 of age or older and who pay dues to the nonprofit corporation, association, or organization; and
24 (D) Operates a clubhouse, clubroom or meeting room in a permanent location which
25 it owns or leases.

26 "Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for
27 consumption off the premises where the same are sold.

28 "On-sale" means the sale of alcoholic beverages for consumption on the premises where the

1 same are sold.

2 “Restaurant” means a place which is regularly and in a bona fide manner used and kept open
3 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
4 therewith, containing conveniences for cooking an assortment of foods which may be required for
5 ordinary meals.

6 “Restaurant service bar” means a bar wherein alcoholic beverage drinks are prepared for
7 service only at tables in a restaurant for consumption only in connection with a meal on the premises
8 where the same is sold.

9 “Sale” or “sell” means, for compensation or any other business purpose, to sell, serve, give
10 away, or distribute; or to cause or permit to be sold, served, given away or distributed or to possess
11 with the intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive
12 orders to sell, serve, give away or distribute.

13 “Specialty merchandise store” means a retail store located within a commercial center that:
14 (A) Has at least eighteen thousand square feet of gross floor area;
15 (B) Has at least eleven thousand five hundred square feet of floor space dedicated
16 to the sale and display of furniture, glassware, kitchenware and other household goods;
17 (C) Has at least three thousand six hundred square feet of floor space dedicated to
18 the sale and display of gourmet foods and nonalcoholic beverages; and
19 (D) Maintains an inventory of beer, wine and coolers with a wholesale value of at
20 least twenty-five thousand dollars.

21 “Supper club” means a restaurant and bar operation with alcoholic beverage sales wherein the
22 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area
23 by minors and the restaurant operation is the principal portion of the business.

24 “Wedding chapel” means a business establishment that is licensed to perform marriages in
25 accordance with State law.

26 “Wholesale dealer” or “wholesaler” means a person who sells alcoholic beverages for the
27 purposes of resale.

28 “Wine” means any alcoholic beverage, other than beer, obtained by the fermentation of the

1 natural contents of fruits or other agricultural products containing natural or added sugar, which
2 contains not more than twenty-two percent of alcohol by volume.

3 SECTION 4: A banquet facility alcoholic beverage license authorizes the sale of
4 alcoholic beverages for consumption at events on the premises of a banquet facility.

5 SECTION 5: A beer/wine/cooler art event license authorizes the sale only of beer,
6 wine and coolers for consumption only at an art gallery or art studio during the hours of an artistic
7 exhibition, presentation or performance.

8 SECTION 6: A beer/wine/cooler on-sale license authorizes the sale only of beer, wine
9 and coolers for consumption only in connection with a meal on the premises where the same is sold
10 and may only be issued in connection with a restaurant in which forty-five or more people may be
11 served with meals at any one time at tables or stools.

12 SECTION 7: A beer/wine/cooler off-sale license authorizes the sale, to consumers
13 only and not for resale, only of beer, wine and coolers, in original sealed or corked containers, for
14 consumption off the premises where the same are sold, and may only be issued in connection with a
15 grocery store, drug store, convenience store or specialty merchandise store.

16 SECTION 8: A beer/wine/cooler on-off-sale license authorizes the sale only of beer,
17 wine and coolers for consumption only in connection with a meal on the premises where the same is
18 sold and authorizes the sale, to consumers only and not for resale, only of beer, wine and coolers, in
19 original sealed or corked containers, for consumption off the premises where the same are sold, and
20 may only be issued in connection with a restaurant, grocery store or convenience store in which forty-
21 five or more people may be served with meals at any one time at tables or stools.

22 SECTION 9: A beer/wine/cooler billiard parlor license authorizes the sale of beer,
23 wine and coolers for consumption on the premises of the billiard parlor in conjunction with play at
24 a billiard table, if admission to the billiard parlor is restricted to persons twenty-one years of age or
25 older.

26 SECTION 10: (A) A brew pub/tavern license authorizes a licensee to:

27 (1) Manufacture and store malt beverages on the premises of the brew
28 pub/tavern and sell and transport the malt beverages manufactured on the premises to a person holding

1 a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant
2 to NRS Chapter 369;

3 (2) Sell at retail malt beverages manufactured on or off the premises of the
4 brew pub/tavern for consumption on the premises; and

5 (3) Sell at retail in packages sealed on the premises of the brew pub/tavern,
6 malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for
7 consumption off the premises.

8 (B) The premises of any brew pub/tavern operated pursuant to this Section must
9 be conspicuously identified as a "brew pub."

10 (C) A brew pub/tavern licensee licensed pursuant to this Section who operates one
11 or more brew pubs may not manufacture more than fifteen thousand barrels of malt beverages for all
12 the brew pubs he operates in the County in any calendar year.

13 (D) Unless contrary or inconsistent with the provisions of this Section, the
14 provisions of this Chapter and of LVMC Title 19 that pertain to tavern licenses shall apply to brew
15 pub/tavern licenses.

16 (E) A brew pub/tavern license authorizes the sale of alcoholic beverages other than
17 malt beverages subject to the limitations and restrictions of a tavern license.

18 (F) A tavern license issued prior to July 6, 1992, subject to the provisions of this
19 Section, may be reclassified as a brew pub/tavern license without having to pay the original license
20 fee for a brew pub/tavern license set forth in Section 39 of this Ordinance.

21 (G) Before a brew pub/tavern license may issue pursuant to this Section, the
22 applicant must present proof that he has first secured a brew pub license from the State.

23 SECTION 11: A convention facility alcoholic beverage license authorizes the sale of
24 alcoholic beverages for consumption on the premises of a convention facility if, at any event at which
25 alcoholic beverages are sold, the following conditions are met:

26 (A) If persons less than eighteen years of age are in attendance, they must be
27 accompanied by a parent or guardian at all times during the event.

28 (B) If persons less than twenty-one years of age are in attendance:

1 (1) They shall be required to wear an identification bracelet approved by
2 the Department at all times during the event; and

3 (2) Alcoholic beverages may only be sold and consumed in a segregated
4 and secured area wherein only persons twenty-one years of age or older are permitted to enter.

5 SECTION 12: (A) A gift basket limited license authorizes the sale of alcoholic
6 beverages in original sealed or corked containers in quantities not greater than 25.4 ounces
7 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
8 not greater than seven hundred fifty milliliters, measured in the metric system of weights and
9 measures, to be packaged in a gift basket along with other assorted food items or novelty items, or
10 both, which items have a minimum retail value of thirty-five dollars apart from the retail value of the
11 alcoholic beverages; provided, however:

12 (1) The contents of the gift baskets are not sold separately but, instead, are
13 included as part of the unit retail sale price of the gift basket; and

14 (2) The alcoholic beverages are consumed off the premises where the gift
15 basket is sold.

16 (B) Alcoholic beverages shall comprise not more than twenty percent of the total
17 inventory of merchandise located at a premises for which a gift basket limited license has been issued
18 and shall be stored in such a manner that prevents public access.

19 (C) A gift basket limited licensee shall not display any advertising on the exterior
20 of his or her licensed premises of the fact that alcoholic beverages are maintained on the licensed
21 premises from which a customer can choose for the purposes of having the item selected included in
22 a gift basket.

23 (D) A gift basket limited licensee shall not deliver any alcoholic beverage to a
24 personal residence in response to a telephone call requesting such delivery.

25 SECTION 13: A gift shop limited license authorizes the sale, to consumers only and
26 not for resale, of alcoholic beverages, in original sealed or corked containers in quantities less than
27 one pint, measured in the English system of weights and measures, or in quantities less than three
28 hundred seventy-five milliliters, measured in the metric system of weights and measures, for

1 consumption off the premises where the same are sold, and may only be issued in connection with a
2 gift shop located within the physical structure of an establishment which also houses a nonrestricted
3 gaming licensee.

4 SECTION 14: A hotel lounge bar license authorizes the sale of alcoholic beverages for
5 consumption on the premises of a hotel lounge bar subject to the following conditions:

6 (A) The hotel has a minimum of one hundred-fifty rooms, unless the City Council
7 determines the public safety, health and welfare will not be compromised by a lesser number of
8 rooms;

9 (B) Alcoholic beverages are served only at tables and booths located within the
10 hotel lounge bar area;

11 (C) Persons are not permitted to purchase or obtain alcoholic beverages directly
12 from the hotel lounge bar;

13 (D) No other business, trade, profession or entertainment that requires a license
14 under this Title is conducted or performed in the hotel lounge bar area; and

15 (E) The maximum available customer seating in the hotel lounge bar area does not
16 exceed seventy-five seats.

17 SECTION 15: A keg beer license authorizes only the sale of beer in keg containers
18 having a capacity of at least one-quarter barrel size, and only by delivery to the premises of the
19 purchaser.

20 SECTION 16: A limousine/bus alcoholic beverage license authorizes the dispensing,
21 serving or sale of alcoholic beverages only for consumption within a limousine or bus that has been
22 issued a limousine/bus alcoholic beverage license.

23 SECTION 17: A liquor caterer license authorizes the sale of alcoholic beverages only
24 for consumption on the premises where the same are dispensed, served or sold during the times, dates
25 and places specified in a liquor caterer permit issued pursuant to this Title.

26 SECTION 18: A nonprofit club general license authorizes the sale of alcoholic
27 beverages only for consumption on the premises and only to bona fide members of the club who pay
28 dues to the club, and to their bona fide guests.

1 SECTION 19: (A) A nonprofit club restaurant service bar license authorizes the sale
2 of alcoholic beverages within a nonprofit club to members of the general public for consumption only
3 in connection with meals served at tables in a restaurant area of the nonprofit club where members of
4 the general public are invited to dine. A nonprofit club restaurant service bar license is available only
5 if:

6 (1) It is issued in conjunction with a nonprofit club general license; and

7 (2) The restaurant area of the nonprofit club is separated from the other
8 areas of the nonprofit club by a barrier that is sufficient to prevent members of the general public from
9 accessing those other areas.

10 (B) In connection with the ongoing operation of a nonprofit club restaurant service
11 bar:

12 (1) The barrier described in Paragraph (2) of Subsection (A) of this Section
13 must be maintained; and

14 (2) Members of the general public shall not be permitted to directly
15 purchase alcoholic beverages from a nonprofit club restaurant service bar.

16 SECTION 20: A package license authorizes the sale, to consumers only and not for
17 resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the
18 premises where the same are sold; however, on-premises wine, cordial and liqueur tasting is permitted
19 at a liquor store if the licensee also holds a wine, cordial and liqueur tasting license for that location.

20 SECTION 21: (A) A restaurant service bar license authorizes alcoholic beverages
21 to be sold from a restaurant service bar for consumption only in connection with meals served at tables
22 on the premises of the restaurant where the same are sold.

23 (B) Customers are not permitted to purchase alcoholic beverages directly from a
24 restaurant service bar.

25 SECTION 22: A special event beer/wine license authorizes the sale only of beer, wine
26 and coolers only for consumption on the premises where the same are sold during the period and times
27 specified in the license, which shall be issued only once during any two-month period and for a time
28 not to exceed seven days.

1 SECTION 23: A special event general license authorizes the sale of alcoholic
2 beverages only for consumption on the premises where the same are sold during the period and times
3 specified in the license, which shall be issued only once during any two-month period and for a time
4 not to exceed seven days.

5 SECTION 24: (A) A supper club license authorizes the on-premises sale of
6 alcoholic beverages within the designated bar area of the supper club for consumption only in the bar
7 area or in connection with meals served at tables in the restaurant area of the supper club.

8 (B) During all hours the bar is open to the public a cook and food server, other than
9 a bartender, must be available to prepare and serve full-course meals.

10 SECTION 25: (A) The seating area in the bar area of a supper club shall not exceed:

11 (1) One bar seat or stool for each eight restaurant seats; and

12 (2) One lounge seat for each three restaurant seats.

13 (B) The actual seating available at all times within the restaurant area of a supper
14 club must be able to accommodate at least one hundred twenty-five persons.

15 SECTION 26: (A) Food sales at a supper club shall not be less than fifty-five
16 percent of gross sales. For the purpose of this Section, "gross sales" means the total of all food sales,
17 nonalcoholic beverage sales, and alcoholic beverage sales. Alcoholic beverage sales shall include the
18 retail value of any complimentary beverages provided to customers of the licensee.

19 (B) The licensee is required to maintain accurate records consistent with proper
20 accounting procedures indicating sales of food and alcoholic beverages. Such records shall be kept
21 for a minimum of three years from the date of the sale, and shall be made available to the Department
22 upon request.

23 SECTION 27: A tavern license authorizes the sale of alcoholic beverages for
24 consumption on the premises where the same are sold and authorizes the sale, to consumers only and
25 not for resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the
26 premises where the same are sold.

27 SECTION 28: A wholesale general license authorizes only the sale of alcoholic
28 beverages, which must be packaged in original sealed or corked containers, to any licensee for the

1 purposes of resale. In order to maintain this license, the licensee must keep on hand a stock of
2 alcoholic beverages whose cost of acquisition is fifty thousand dollars or more.

3 SECTION 29: (A) A wine/beer/cordial/liqueur tasting license authorizes the
4 offering of free samples of packaged wines, beers, cordials and liqueurs for tasting purposes.

5 (B) Samples of packaged wines, beers, cordials and liqueurs for tasting purposes
6 shall not exceed one-half ounce per drink and may only be offered:

7 (1) On the premises of a licensed packaged liquor establishment; and

8 (2) For educational purposes.

9 (C) Persons offering samples of packaged wines, beers, cordials and liqueurs must
10 be employees of the licensed packaged liquor establishment who hold a valid work card and have
11 successfully completed an approved liquor server awareness training program.

12 (D) Bottles of wine, beer, cordial and liqueur opened for tasting shall not be sold
13 or otherwise distributed or given away.

14 SECTION 30: No person shall engage in the business of selling alcoholic beverages,
15 advertise the same or permit the consumption of alcoholic beverages on the premises of any business
16 establishment without first obtaining and thereafter maintaining a valid unexpired alcoholic beverage
17 license pursuant to this Code.

18 SECTION 31: A license issued pursuant to this Chapter authorizes the person to whom
19 it is issued to exercise only those privileges expressly permitted pursuant to this Chapter for the
20 specific classification of license issued and only on the premises identified in the license.

21 SECTION 32: The licensee must commence operation of the business within thirty
22 days after the license has been issued. Thereafter, all semiannual license fees must be paid
23 notwithstanding the fact that the licensee may temporarily discontinue its operation of the business.

24 SECTION 33: A person licensed for the off-sale or on-off-sale of alcoholic beverages
25 shall post a sign at the sale counter and at the entrance to the premises advising to the effect that,
26 pursuant to LVMC 10.76.010, it is unlawful for a person to drink an alcoholic beverage or to possess
27 an open container of alcoholic beverage which was purchased in an original sealed or corked
28 container:

1 (A) Upon any premises, including the parking lot, of an establishment which is
2 licensed only for the off-sale or the on-off-sale of alcoholic beverages; or

3 (B) Upon property, other than residential property, located within one thousand feet
4 of an establishment which is licensed for off-sale or on-off-sale.

5 SECTION 34: The privileges permitted and duties required under any license issued
6 pursuant to this Chapter are not divisible and any transfer of a license or an interest therein must
7 include the transfer of all of the privileges permitted and duties required under such license or interest
8 therein, as the case may be.

9 SECTION 35: Any establishment which, on November 1, 1980, held a valid license
10 which was reclassified as a beer/wine/cooler on-sale license, a beer/wine/cooler off-sale license or a
11 beer/wine/cooler on-off-sale license, but the premises of which do not conform to the definitions for
12 those license classifications, shall be permitted to retain the license under the following provisions:

13 (A) In the case of a beer/wine/cooler on-sale license, where the licensed premises
14 have insufficient floor space under the Uniform Building and Fire Codes for the seating capacity
15 required by this Chapter, such license shall be limited to seating only the number of patrons allowed
16 under such codes.

17 (B) In the case of a beer/wine/cooler off-sale license which is issued to a grocery
18 store that is not in conformance with the square footage requirements set forth in the definition of the
19 term "grocery store" in Section 3 of this Ordinance, the license may be retained but the licensee will
20 be required to comply with all other provisions of that definition.

21 (C) In the case of a beer/wine/cooler on-off-sale license, any existing license that
22 is not in conformance with the seating or square footage requirements is subject to the provisions of
23 Subsections (A) and (B) of this Section.

24 SECTION 36: No alcoholic beverage license shall be issued by the Department to a
25 location which requires a special use permit pursuant to the provisions of LVMC Title 19 unless such
26 location is first approved for a special use permit pursuant to the procedures provided for in LVMC
27 Title 19.

28 SECTION 37: Applicants for a permit to provide liquor catering services shall comply

1 with the following provisions:

2 (A) An application for a permit may be made only by a person who holds a valid
3 unexpired liquor caterer license issued pursuant to this Title; provided, however, this restriction does
4 not apply to a person whose liquor caterer business premises are located in the City of North Las
5 Vegas, City of Henderson, City of Boulder City or in the unincorporated area of the County and who
6 has a valid unexpired liquor caterer license issued by such local government.

7 (B) The application shall be made to the Department on forms provided or approved
8 by the Department, not less than three days prior to the proposed event unless otherwise authorized
9 by the Director or his or her designee upon the applicant showing the impracticability of his or her
10 compliance with the advance filing requirement.

11 (C) The application shall set forth the following information:

12 (1) Name and address of the applicant;

13 (2) Date, hours, address and description of the event;

14 (3) Approximate number and ages of persons to be in attendance;

15 (4) Type of alcoholic beverages to be served; and

16 (5) The names of the sponsors and promoters of the event.

17 (D) Each event requires a separate permit.

18 (E) A nonrefundable fee of fifteen dollars for each permit requested must be paid
19 when the application for permit is filed.

20 SECTION 38: Applicants for a limousine/bus alcoholic beverage permit shall comply
21 with the following provisions:

22 (A) An application for a permit may only be made by a person who holds a valid
23 unexpired limousine/bus alcoholic beverage license issued pursuant to this Title or by a properly
24 licensed resort hotel that provides limousine/bus service as an incidental service to their guests;
25 provided however, this restriction does not apply to a person whose limousine/bus alcoholic beverage
26 business premises are located outside the City limits, but within Clark County and maintains a valid
27 unexpired limousine/bus alcoholic beverage license or the equivalent issued by the appropriate
28 licensing authority.

1 (B) The application shall be made to the Department on forms provided or approved
2 by the Department.

3 (C) The application shall set forth the following information:

- 4 (1) Name and address of the applicant;
- 5 (2) Year, make, color, license plate number and vehicle identification
6 number of the limousine or bus; and
- 7 (3) Such other information as the Department may require.

8 (D) Upon verification of the application information on each vehicle, and receipt
9 of applicant's fifty dollar annual permit fee, the Director may approve the permit for each vehicle for
10 which an application has been submitted.

11 SECTION 39: Each licensee shall pay to the Department the license fees set forth in
12 the following schedule:

		Semiannual	Original New
13			
14	(A) Banquet facility	\$500	\$20,000
15	(B) Beer/wine/cooler art event on-sale	300	1,000
16	(C) Beer/wine/cooler billiard parlor	300	1,000
17	(D) Beer/wine/cooler on-sale	300	1,000
18	(E) Beer/wine cooler off-sale	300	1,000
19	(F) Beer/wine/cooler on-off-sale	600	2,000
20	(G) Brew/pub/tavern	1,200	60,000
21	(H) Convention facility	1,200	60,000
22	(I) Gift basket limited	300	1,000
23	(J) Gift shop limited	500	2,500
24	(K) Hotel lounge bar	1,200	60,000
25	(L) Keg beer	500	2,500
26	(M) Limousine/bus	500	2,500
27	(N) Liquor caterer	500	2,500
28	(O) Nonprofit club general	200	1,000

1	(P)	Nonprofit club restaurant service bar	100	500
2	(Q)	Package	750	20,000
3	(R)	Restaurant service bar	600	30,000
4	(S)	Supper club	800	40,000
5	(T)	Tavern	1,200	60,000
6		Plus: fee for each additional bar	900	
7	(U)	Wholesale general	1,000	5,000
8	(V)	Wine, beer, cordial, liqueur tasting	600	2,000

9 Each special event general licensee shall pay a license fee of seventy-five dollars per day.

10 Each special event beer/wine/cooler licensee shall pay a license fee of fifty dollars per day.

11 SECTION 40: (A) Each semiannual fee is due in advance on April 1st and October
12 1st in each year except that the applicant for a new alcoholic beverage license who starts business
13 between April 1st and October 1st or between October 1st and April 1st shall have its semiannual fees
14 prorated on a monthly basis.

15 (B) Any semiannual fee which is not received by the Department on or before the
16 due date shall be assessed a late-payment penalty in an amount equal to ten percent of the amount of
17 such semiannual fee. If the semiannual fee and penalty is not received by the Department within
18 fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such
19 semiannual fee shall be assessed. If the semiannual fee and all penalties are not received by the
20 Department within sixty days after the due date, the license shall be automatically revoked.

21 SECTION 41: (A) The original new license fee is a one time fee which is due and
22 payable at the time of filing an application for an alcoholic beverage license.

23 (B) The transfer of an alcoholic beverage license from one licensee to another is
24 exempt from the original new license fee requirement of Subsection (A) of this Section.

25 (C) In connection with the issuance of an original new City alcoholic beverage
26 license to an existing County alcoholic beverage licensee whose business premises have been annexed
27 into the City, the Department shall waive the original new license fee requirement of Subsection (A)
28 of this Section at the request of the applicant. However, a license concerning which such a waiver has

1 been granted may not be sold or transferred to a third party, notwithstanding any provision of this Title
2 to the contrary.

3 SECTION 42: Any licensee who desires permanently to discontinue its operation of
4 the business and to sell its license may notify the Department of its desire to sell such license, and the
5 Department shall maintain a list of such licensees and make it available to any person who is
6 interested in obtaining a license.

7 SECTION 43: (A) No person, other than the person who holds the license, may
8 operate any business, trade or profession in the licensed premises; provided, however, that this
9 prohibition does not apply to properly licensed slot operators or retail tobacco vendors or to
10 entertainers or to any business, trade or profession which leases a separate and defined area within the
11 licensed premises and which obtains prior approval from the Department to do so.

12 (B) A tavern licensee authorized pursuant to Subsection (A) of this Section to lease
13 the restaurant portion of its licensed premises to another person may continue, through its tavern
14 license, to sell alcoholic beverages in such leased premises without the necessity of the lessee
15 obtaining an alcoholic beverage license for such leased premises. The restaurant lessee, or its staff,
16 however, may not sell alcoholic beverages in such leased premises unless the restaurant lessee also
17 obtains, pursuant to this Chapter, a liquor license for such leased premises.

18 SECTION 44: It is the duty of the licensee to ensure that a person who is at least
19 twenty-one years of age, who is either an owner or employee of the licensee and who has a valid work
20 card and alcohol awareness card in his possession is present on the premises during all times that the
21 premises are open for business.

22 SECTION 45: The Department shall have jurisdiction to investigate and enforce the
23 provisions of this Chapter. The Department shall have all powers which may be necessary or
24 appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to, the
25 power to enter and inspect the licensed premises at any time during the business hours of the licensee,
26 and the Department shall have the power to examine all books and records of the licensee or applicant.
27 The Department is authorized to request information from a licensee or applicant at any time in
28 furtherance of the exercise of its jurisdiction.

1 SECTION 46: (A) Whenever an “off-sale” of alcoholic beverages is made, the
2 alcoholic beverages, except beer, wine and coolers, must only be displayed for sale in an area of the
3 licensed premises in which such alcoholic beverages are not accessible by persons under the age of
4 twenty-one years. This area must be kept under the exclusive control of a person who is at least
5 twenty-one years of age. When self-service of alcoholic beverages, except beer, wine and coolers, is
6 provided, the area in which the alcoholic beverages are displayed must be posted at each entrance
7 thereto with a sign measuring no less than 8 ½ inches by 11 inches stating NO ONE UNDER 21
8 YEARS OF AGE ALLOWED BEYOND THIS POINT; provided, however, that alcoholic beverages
9 in quantities of not less than seven hundred fifty milliliters may be displayed for certain special
10 holidays or holiday season promotions, as specifically enumerated herein below, in grocery stores
11 having at least twenty five thousand square feet of area open to the public in unrestricted areas limited
12 to the end sections of shopping aisles facing the front of the grocery store where such displays are
13 visible to employees of the licensee who are at least twenty-one years of age. The employees and
14 management personnel of such grocery stores shall have completed an alcoholic awareness training
15 program approved by the Director. Such alcoholic beverages may be selected by the customer and
16 purchased at a common check-out stand at which nonalcoholic beverages may be purchased. No self-
17 service shall be permitted in original sealed or corked containers in quantities less than one pint,
18 measured in the English system of weights and measures, or in quantities less than three hundred
19 seventy-five milliliters, measured in the metric system of weights and measures.

20 (B) Special Holiday Promotions. The display of alcoholic beverages for special
21 holidays listed in this Subsection shall not begin before twelve midnight three days before the specific
22 holiday, and shall be removed before twelve noon the day following the specific holiday. For
23 purposes of this Section “special holiday promotions” is limited to the following events or holidays:
24 Super Bowl
25 St. Patrick’s Day
26 Independence Day
27 On Memorial Day and Labor Day only, where the holiday in question is a national holiday celebrated
28 on a Monday, the display of alcoholic beverages for such holiday promotions shall not begin before

1 12 midnight three days before the specific Monday holiday, and shall be removed before twelve noon
2 the day following the holiday.

3 (C) Holiday Season Promotions. The display of holiday season promotions shall
4 not begin before twelve noon on November 1st of each year, and shall be removed by twelve noon
5 on January 5th of the next year.

6 (D) Not more than twenty-five percent of a grocery store's total number of shopping
7 aisles may be devoted to aisle front special and holiday season promotions pursuant to this Section;
8 provided, however, that in no event shall the total number of such displays exceed five.

9 SECTION 47: It is unlawful for any of the following to be employed in the retail sales
10 of alcoholic beverages for on or off premises consumption without having in his or her possession a
11 valid work card for alcoholic beverages pursuant to LVMC Chapter 6.86:

12 (A) A manager;

13 (B) Any employee who pours or serves alcoholic beverages for on premises
14 consumption; or

15 (C) Any employee who accepts payment for the sale or delivery of alcoholic
16 beverages for off premises consumption.

17 SECTION 48: It is unlawful for any person to sell any alcoholic beverage:

18 (A) Without a valid unexpired license issued pursuant to this Chapter; provided,
19 however, this prohibition does not apply to employees of persons licensed pursuant to this Chapter
20 during the course of such employment.

21 (B) To a person who is intoxicated.

22 (C) For delivery to a personal residence pursuant to a telephone call requesting such
23 delivery; provided, however, that this prohibition does not apply to deliveries of beer in kegs having
24 a capacity of not less than one quarter barrel.

25 (D) Through or by means of a drive-in or walk-up window, door or other opening.

26 (E) In any manner not authorized by the license under which authority the person
27 making such sale is authorized to do business.

28 (F) At any place where persons under twenty-one years of age are present, unless

1 they are continuously accompanied by a parent or legal guardian.

2 SECTION 49: (A) It is unlawful for any person licensed under this Code, or any
3 agent or employee of a licensee to sell alcoholic beverages to a minor.

4 (B) It is a defense to any criminal prosecution or proceeding for the suspension or
5 revocation of any license that is based upon a violation of this Section that the licensee, agent or
6 employee, immediately prior to furnishing any alcoholic beverage to person under the age of twenty-
7 one years, demanded and was shown bona fide documentary evidence of age and identity of that
8 person issued by a governmental agency, including without limitation a motor vehicle operator's
9 license.

10 SECTION 50: It is unlawful for any person to sell any alcoholic beverage in any glass
11 or metal container at any special event which is described in LVMC 6.78.045, as follows:

12 (A) Between the hours of 6:00 P.M. on December 31st and 6:00 A.M. on January
13 1st of each year.

14 (B) Between the hours of 6:00 P.M. on July 4th and 6:00 A.M. on July 5th of each
15 year.

16 (C) During the period of time beginning two hours before the start of the special
17 event and ending two hours after the special event is over.

18 SECTION 51: It is unlawful for any person who is intoxicated to sell any alcoholic
19 beverage.

20 SECTION 52: It is unlawful for any person to employ a person under the age of
21 twenty-one years to sell or handle alcoholic beverages, or to allow a person under the age of twenty-
22 one years to sell or handle alcoholic beverages at such person's place of business; provided, however,
23 that a person who is at least sixteen years of age may handle beer, wine and coolers only, in original
24 sealed or corked containers, while they are employed in a grocery store, convenience store or specialty
25 merchandise store which exercises the privileges of a beer/wine/cooler off-sale or package license and
26 only when they are actually being supervised by another person who is at least twenty-one years of
27 age and who himself is an owner or employee of the licensee.

28 SECTION 53: It is unlawful for any person to encumber any license by means of a

1 lease, pledge, mortgage, deed of trust, security interest or other manner of alienation; provided,
2 however, that this prohibition shall not apply to a transfer or encumbrance of a person's interest in the
3 licensee pursuant to the prior approval of the City Council, if such approval is otherwise required by
4 this Chapter.

5 SECTION 54: (A) It is unlawful for any person, while acting as an employee,
6 waiter, waitress, performer or entertainer in any live act, play, demonstration or exhibition or while
7 serving food or drink to any customer, to do any of the following acts on the premises where alcoholic
8 beverages are licensed to be sold:

9 (1) Expose his or her genitals, pubic hair, perineum, anal region or pubic
10 hair region; or

11 (2) Expose or use any device, costume or covering which gives the
12 appearance of or simulates the genitals, pubic hair, perineum, anal region or pubic hair region.

13 (B) A person shall be deemed to be a waiter, waitress, performer or entertainer if
14 such person acts in that capacity without regard to whether or not such person is paid any
15 compensation.

16 (C) It is unlawful for any licensee, or any owner, officer, director, representative,
17 manager, agent, servant or employee of a licensee to allow, cause, permit, procure, counsel or assist
18 any person to perform any of the acts set forth in Subsection (A) of this Section on the premises where
19 alcoholic beverages are licensed to be sold.

20 SECTION 55: (A) Beginning April 1, 1992, except as is otherwise provided in
21 Subsection (B) of this Section, no person may be employed by a licensee to serve, sell, distribute
22 alcoholic beverages, or perform security guard functions unless such person has successfully
23 completed a comprehensive alcohol awareness training course of not less than four hours in duration
24 and has completed an alcohol awareness training refresher course not less than two hours in duration
25 every five years from the date of their most recent course certification.

26 (B) With respect to a special event that is licensed pursuant to Sections 22 or 23 of
27 this Ordinance, only the responsible licensee thereof needs successfully to complete such alcohol
28 awareness training course, or such licensee may, in lieu thereof, substitute a successfully completed

1 alcohol awareness certification examination that is administered by Metro. The requirement of
2 successfully completing such examination or training course shall not apply to holders of wholesale
3 general licenses.

4 (C) Beginning February 1, 2003, principals and licensees of an alcoholic beverage
5 establishment must obtain and thereafter maintain a current alcohol awareness certificate in their
6 possession.

7 (D) Persons who successfully complete either the examination or the training
8 courses described in Subsections (A) or (B) of this Section shall be deemed to be certified for alcohol
9 awareness.

10 SECTION 56: Each applicant shall submit with the application the name of a manager
11 who is certified for alcohol awareness as provided by Section 55 of this Ordinance.

12 SECTION 57: The subject matter of the test and the courses described in Section 55
13 of this Ordinance must include at least the following:

14 (A) The clinical effects of alcohol on the human body;

15 (B) Methods of identifying intoxicated persons;

16 (C) The liquor laws of the State and the City;

17 (D) Methods of preventing fights and disruptions of the peace; and

18 (E) Methods of preventing minors from entering taverns, bars and package liquor
19 stores, and preventing minors from purchasing and drinking alcoholic beverages.

20 A score of seventy-five percent correct answers shall be the passing score on the test.

21 SECTION 58: All persons teaching or offering an alcohol awareness training course
22 are subject to the following requirements:

23 (A) The training course must be an alcohol awareness training program, similar to
24 the program offered by TAM (Techniques in Alcohol Management) or TIPS (Training for Intervention
25 Procedures), and certified as to competency by Metro. Such certification of course competency shall
26 be accomplished by Metro by a complete review of the course material and lesson presentation.

27 (B) The competency of all persons teaching or offering the training courses of
28 Subsection (A) must be initially certified by Metro and recertified by Metro every two years from the

1 date of their most recent certification.

2 (C) Metro is authorized to monitor such courses and to administer to course
3 participants on a random basis the test described in Section 55 of this Ordinance.

4 If representatives of Metro administer that test to a group of course participants and fewer than
5 seventy-five percent of the groups pass the test, the person having final organizational authority for
6 that course will be deemed to be certified on a probationary basis. If representatives of Metro
7 subsequently administer the test to another group of course participants organized by the same person
8 and fewer than seventy-five percent of that group pass the test, that person's certification will be
9 deemed revoked.

10 (D) The person teaching such course must supply Metro with a list of all persons
11 successfully completing the course within five days thereof. Such list shall state the name, social
12 security number, date of completion of course, and place of employment of each person completing
13 the course.

14 (E) The person teaching the course must supply all persons successfully completing
15 the course with a wallet-size certification card that states the name of the training course, the name
16 of the person passing the course and their social security number, and the date the course was taken
17 within seven days of the person completing the course.

18 (F) All persons certified to offer an alcohol awareness training course have a duty
19 to inform Metro of any substantive change in the certified course material or method of presenting
20 such material.

21 SECTION 59: All persons offering an alcohol awareness training refresher course are
22 subject to the following requirements:

23 (A) The refresher course will include, but not be limited to, teaching and refreshing
24 the applicants as to:

- 25 (1) The clinical effects of alcohol on the human body;
26 (2) Methods of identifying intoxicated persons;
27 (3) The liquor laws of the State and the City; and
28 (4) Methods of restraining entry of minors into taverns and package liquor

1 stores and preventing sales to and drinking of alcoholic liquor by minors.

2 (B) The refresher training course must be an alcohol awareness training program
3 certified as to competency by Metro. Such certification of refresher course competency shall be
4 accomplished by Metro by a complete review of the course materials and lesson presentation.

5 (C) All persons certified to offer an alcohol awareness training course have a duty
6 to inform Metro of any substantive change in the certified course material or method of presenting
7 such material.

8 (D) The person teaching such refresher course must supply Metro with a list of all
9 persons successfully completing the course within five days thereof excluding holidays and weekends.
10 Such list shall state the name and social security number of the person, place of employment and date
11 of certification and recertification.

12 (E) The person teaching the refresher course must supply all persons successfully
13 completing the course a wallet-size certification card that states the name of the refresher course, the
14 name of the person passing the course and their social security number, and the date the course was
15 taken within seven days of the person completing the course.

16 (F) The competency of all persons teaching or offering such refresher course must
17 be initially certified by Metro and recertified by Metro every two years from the date of their most
18 recent certification.

19 (G) All persons certified to offer an alcohol awareness training refresher course
20 have a duty to inform Metro of any substantive change in the certified course material or method of
21 presenting such material.

22 SECTION 60: The completion card or a copy thereof issued by the instructor of an
23 alcohol awareness training course or refresher course to a person successfully completing the course
24 must be available during the work shift on the premises where the person, as an employee, is serving,
25 selling or distributing alcoholic beverages for inspection by Metro, City or other governmental
26 personnel.

27 SECTION 61: Licenses of all licensees other than hotels licensed for nonrestricted
28 gaming which do not comply with the requirements of alcohol awareness certification are

1 automatically suspended until compliance is shown.

2 SECTION 62: (A) Any instructor certification issued pursuant to the provisions of
3 this Section may be suspended or revoked (not to exceed two years) by the City Council, with or
4 without the recommendation of Metro, after notice and hearing, if it is determined that the instructor
5 has:

6 (1) Failed to timely supply the list of all persons completing each course
7 within five days thereof with required information;

8 (2) Failed to provide the required wallet-size certification card with required
9 information within seven days of course completion excluding holidays and weekends;

10 (3) Failed to teach the certification course or refresher course pursuant to
11 the approved certification plan submitted by the instructor or approved training program under which
12 the instructor is teaching; or

13 (4) Committed, attempted or conspired to commit any crime of moral
14 turpitude or commits an act of fraud, drug sales, prostitution, solicitation of prostitution, pandering
15 or any act or crime against decency or morals or any act or crime which is inimical to the declared
16 policy of this Chapter while certified as an instructor;
17 or for any cause deemed reasonable.

18 (B) Any alcohol awareness training program or refresher program certification
19 issued pursuant to the provisions of this Chapter may be suspended or revoked (not to exceed two
20 years) by the City Council, with or without the recommendation of Metro, after notice and hearing,
21 if it is determined that the certified training or refresher program:

22 (1) Fails to timely supply the list of all persons completing each course;

23 (2) Fails to provide the required wallet-size certification card with required
24 information within seven days of course completion excluding holidays and weekends;

25 (3) Allows the liquor server awareness training program or refresher
26 program to be taught in a manner that is different from the program certified under this Chapter, or

27 (4) Operates the training program or refresher program in a manner that
28 fails to instruct the participants in the minimum requirements set out within this Chapter; or for any

1 cause deemed reasonable.

2 (C) The Sheriff of Metro or his designee may, upon good cause, suspend or revoke
3 the certification of the instructor or program upon ten days notice to any person or program
4 committing any act which is grounds for suspension or revocation of certification. Such suspension
5 or revocation notice shall contain information regarding the right to appeal such suspension or
6 revocation of certification as is provided in Section 63 of this Ordinance.

7 SECTION 63: Any person whose certification to offer or instruct an alcohol awareness
8 training course or refresher course has been suspended or revoked pursuant to Subsection (C) of
9 Section 62 of this Ordinance, may appeal such suspension or revocation to the City Council by filing
10 written notice of appeal with the City Clerk. The City Council shall hear the appeal at the next
11 regularly scheduled meeting following the expiration of ten days after the person files a notice of
12 appeal.

13 SECTION 64: If a disciplinary action involving a violation of this Chapter is filed, the
14 City Council, may, in addition to any other sanctions, limitations, restrictions or conditions other than
15 revocation, require that within thirty days of the final decision of the City Council, every manager and
16 employee of the licensee involved in selling or serving alcoholic beverages or providing security on
17 the licensed premises:

18 (A) Successfully complete the test administered by Metro; or

19 (B) Complete the training course described in Section 55 of this Ordinance.

20 SECTION 65: Metro shall establish fees, based on its expenses, for administering the
21 tests, and certifying the competency of the courses and course instructors.

22 SECTION 66: All licenses must indicate on the list required by LVMC 6.86.180
23 which employees have successfully completed either the course, refresher course, or the test provided
24 for in Section 55 of this Ordinance and the date of completion.

25 SECTION 67: (A) It is unlawful for any person required to be certified for alcohol
26 awareness pursuant to this Chapter to be employed by a licensee under this Chapter unless the person
27 is so certified.

28 (B) It is unlawful for any licensee under this Chapter to employ a person required

1 to be certified for alcohol awareness pursuant to this Chapter knowing that such person is not so
2 certified.

3 SECTION 68: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
4 Nevada, 1983 Edition, is hereby repealed.

5 SECTION 69: Section 68 of this Ordinance shall become effective as of 12:01 A.M.
6 the day after publication of this Ordinance by title.

7 SECTION 70: Sections 1 through 67, inclusive of this Ordinance shall become
8 effective as of 12:02 A.M. the day after publication of this Ordinance by title.

9 SECTION 71: Title 19, Chapter 00, Section 60, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Subsection (L) to read as follows:

11 (L) Limitations on City Action. The issuance or granting of a building permit or
12 approval of plans or specifications under the authority of the Building Code shall not be construed to
13 be a permit for, or an approval of, any violation of any provisions of this Title or any amendments
14 thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a
15 City officer or employee which purports, or could be interpreted, to authorize the violation or
16 cancellation of any of the provisions of this Title shall limit the City's authority to enforce the
17 provisions of this Title or any other provision of the Municipal Code. No permit or other approval
18 issued under the provisions of this Title shall constitute or imply approval of any business license or
19 permit required by any provision of the Municipal Code. Any permit, license or other approval which
20 is issued in conflict with this Title is voidable by order of the City.

21 SECTION 72: Title 19, Chapter 4, Section 10, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to add a permitted use to Table 2 of the Land
23 Use Tables as follows:

24 Table 2 of the Land Use Tables is amended to add to the "Recreational, Entertainment and
25 Amusement" element the use "Social Event with Alcoholic Beverage Sales." In order to reflect the
26 amendment, the letter "S" is to appear in the boxes that represent the intersection of the new row for
27 the use "Social Event with Alcoholic Beverage Sales" with the columns for the P-R, N-S, O, C-D, C-
28 1, C-2, C-PB, C-M and M Zoning Districts.

1 SECTION 73: Title 19, Chapter 4, Section 50, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, at the subdivision captioned "Liquor Establishment (Off-Premise
3 Consumption)" is hereby amended to read as follows, with the bolded brackets representing deleted
4 matter and the non-bolded brackets surrounding the zoning districts representing the brackets normally
5 used to enclose the applicable districts:

6 **LIQUOR ESTABLISHMENT [(OFF-PREMISE CONSUMPTION)] (ON-SALE/OFF-
7 SALE/ON-OFF-SALE) [C-1, C-2, C-M, M]**

8 Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares
9 that the public health, safety and general welfare of the City are best promoted and protected by
10 requiring that:

11 (*1) [No beer/wine/cooler on-sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale,
12 package, wholesale general use shall be located within four hundred feet of any church, synagogue,
13 school, child care facility licensed for more than twelve children or City park.] Except as otherwise
14 provided in this Chapter, no alcoholic beverage on-sale/off-sale/on-off-sale use shall be located within
15 four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve
16 children, or City park.

17 (*2) Except as otherwise provided in Subsection (3) below, the distances referred to in
18 Subsection 1 shall be determined with reference to the shortest distance between two property lines,
19 one being the property line of the proposed liquor establishment [(off-premise consumption)] which
20 is closest to the existing use to which the measurement pertains, and the other being the property line
21 of that existing use which is closest to the proposed liquor establishment [(off-premise consumption)].
22 The distance shall be measured in a straight line without regard to intervening obstacles. For purposes
23 of measurement, the term "property line" refers to property lines of fee interest parcels and does not
24 include the property line of:

25 (a) Any leasehold parcel; or
26 (b) Any parcel which lacks access to a public street or has no area for on-site
27 parking and which has been created so as to avoid the distance limitation described in Subsection (1).

28 (*3) In the case of a liquor establishment [(off-premise consumption)] proposed to be

1 located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection
2 1 shall be measured in a straight line:

3 (a) From the nearest property line of the existing use to the nearest portion of the
4 structure in which the liquor establishment [(off-premise consumption)] will be located, without
5 regard to intervening obstacles; or

6 (b) In the case of a proposed liquor establishment [(off-premise consumption)]
7 which will be located within a shopping center or other multiple-tenant structure, from the nearest
8 property line of the existing use to the nearest property line of a leasehold or occupancy parcel in
9 which the liquor establishment will be located, without regard to intervening obstacles.

10 (4) When considering a Special Use Permit application for a liquor establishment [for off-
11 premise consumption] which also requires a waiver of the distance limitation in Subsection (1), the
12 Planning Commission shall take into consideration the distance policy and shall, as part of its
13 recommendation to the City Council, state whether the distance requirement should be waived and
14 the reasons in support of the decision.

15 (5) The minimum distance requirements in Subsection (1) do not apply to:

16 (a) An establishment which has a nonrestricted gaming license in connection with
17 a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a
18 resort hotel having in excess of two hundred guest rooms after July 1, 1992; or

19 (b) A proposed retail establishment having more than fifty thousand square feet or
20 retail floor space.

21 (*6) All businesses which sell alcoholic beverages shall conform to the provisions of
22 Chapter 6.50 of the Las Vegas Municipal Code.

23 (7) The minimum distance requirements set forth in Subsection 1, which are otherwise
24 nonwaivable under the provisions of this subdivision, may be waived:

25 (a) In accordance with the provisions of Subsection 19.040.050(A)(4) for any
26 liquor establishment [for off-premise consumption] which is proposed to be located on a parcel within
27 the Downtown Casino Overlay District;

28 (b) In accordance with the applicable provisions of the "Town Center Development

1 Standards Manual” for any liquor establishment [for off-premise consumption] which is proposed to
2 be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main
3 Street Mixed Use) in the Town Center Land Use Plan;

4 (c) In connection with a proposed retail establishment having between twenty
5 thousand square feet and fifty thousand square feet of retail floor space, if no more than ten percent
6 of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages;
7 or

8 (d) In connection with a retail establishment having less than 20,000 square feet
9 of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages
10 and each use to be protected are separated by a highway or a right-of-way with a width of at least 100
11 feet.

12 SECTION 74: Title 19, Chapter 4, Section 50, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subsection, to be
14 designated as Subsection (C), to read as follows:

15 (C) The special use permit requirements of this Section do not apply to the locations
16 of facilities that are intended to be operated solely as a Gift Basket Limited; a Gift Shop Limited; a
17 Convention Facility; a Keg Beer; a Nonprofit Club General, with or without a Nonprofit Club
18 Restaurant Service Bar; or to a Liquor Caterer; or to locations of facilities specified in liquor catering
19 permits, provided that not more than five liquor catering permits are issued per month to such
20 locations.

21 SECTION 75: Title 19, Chapter 18, Section 60, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended so that Subsection (P) reads as follows:

23 **19.18.060:** (P) Termination.

24 (1) A Special Use Permit which cannot be exercised except upon
25 construction of a new building, and which is not exercised within two years after approval, shall be
26 void, unless the City Council grants an extension of time upon a showing of good cause.

27 (2) A Special Use Permit which does not require the construction of a new
28 building in order to be exercised, and which is not exercised within one year after approval shall be

1 void, unless the City Council grants an extension of time upon a showing of good cause.

2 (3) For any Special Use Permit approved before January 1, 2000, which
3 expires before an extension is granted, the City Council may reinstate the approval within the six-
4 month period following the expiration date and grant an extension of time if the Council is satisfied
5 that there has not been a material change of circumstances such that the Special Use Permit is no
6 longer warranted.

7 [(4) A Special Use Permit shall be void without further action if the use
8 approved by the Special Use Permit ceases for a period of twelve months or more.]

9 (4) A Special Use Permit shall be void without further action if:

10 (a) The Special Use Permit was issued for alcoholic beverage use
11 and such use ceases for one hundred and eighty days or more; or

12 (b) The Special Use Permit was issued for a use other than alcoholic
13 beverage use and such use ceases for twelve months or more.

14 (5) For purposes of this Subsection (P), a Special Use Permit is exercised
15 upon approval of a business license to conduct the activity, if one is required, or, otherwise, upon the
16 issuance of a certificate of occupancy or approval of a final inspection.

17 SECTION 76: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of a term that
19 appears in that Section. The term and its corresponding definition is amended to read as follows:

20 "Liquor Establishment [(Off-Premise Consumption)" means a facility which sells alcoholic
21 beverages in the original sealed or corked containers for consumption off the premises; sales are to
22 consumers only and not for resale.] (On-Sale/Off Sale/On-Off Sale)" means a facility that does not
23 qualify under a more specific use category in this Chapter and that:

24 (A) Sells alcoholic beverages for consumption on the premises where the same are
25 sold;

26 (B) Sells alcoholic beverages in the original sealed or corked containers for
27 consumption off the premises where the same are sold; or

28 (C) Sells alcoholic beverages under the provisions set forth in both Paragraphs (A)

1 and (B) of this definition.

2 SECTION 77: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
4 the following terms and their corresponding definitions:

5 **19.20.020:** “Convention Facility” means a structure which has at least 250,000 square feet of floor
6 space utilized for scheduling, hosting or conducting a convention, trade show or temporary event
7 whether the activity is open or closed to the general public.

8 “Gift Basket Limited” means a facility which sells alcoholic beverages in original sealed or
9 corked containers in quantities not greater than 25.4 ounces measured in the English system of weights
10 and measures, or in quantities not greater than seven hundred fifty milliliters, measured in the metric
11 system of weights and measurements, to be packaged in a receptacle or a container along with other
12 assorted food items or novelty items, or both, which items have a minimum retail value of thirty-five
13 dollars apart from the retail value of the alcoholic beverages; provided, however:

14 (A) The contents of the gift baskets are not sold separately but, instead, are included
15 as part of the unit price of the gift basket; and

16 (B) The alcoholic beverages are consumed off the premises where the gift basket
17 is sold.

18 “Gift Shop Limited” means a facility located within the physical structure of a nonrestricted
19 gaming establishment which sells, to customers only and not for resale, alcoholic beverages in original
20 sealed or corked containers in quantities less than one pint, measured in the English system of weights
21 and measures, or in quantities less than three hundred seventy-five milliliters, measured in the metric
22 system of weighs and measures, for consumption off the premises where the same are sold.

23 “Keg Beer” means a facility which sells beer in keg containers having a capacity of at least
24 one-quarter barrel size for delivery only to the premises of a purchaser.

25 “Liquor Caterer” means a person who dispenses, serves or sells alcoholic beverages only for
26 consumption on the premises where the same are dispensed, served or sold during the times, dates and
27 places specified by permit.

28 “Nonprofit Club General” means any nonprofit corporation, association or organization which

1 has been in continual existence for at least two years and:

2 (A) Is organized or qualified to do business and operate under the laws of the State;

3 (B) Has tax-exempt status granted by the United States Internal Revenue Service;

4 (C) Has a membership of at least one hundred members who are twenty-one years
5 of age or older and who pay dues to the nonprofit corporation, association or organization; and

6 (D) Operates a clubhouse, clubroom or meeting room in a permanent location which
7 it owns or leases.

8 “Nonprofit Club Restaurant Service Bar” means a bar wherein alcoholic beverage drinks are
9 prepared for service in connection with meals at tables in the restaurant area of a nonprofit club where
10 members of the general public are invited to dine.

11 “Social Event With Alcoholic Beverage Sales” means the sale of alcoholic beverages for
12 consumption only on the premises where the same are sold in connection with weddings, school
13 graduations, employer and employee events, recognition ceremonies, awards ceremonies, family
14 gatherings, fund-raising events, club and organization events or other similar events which occur six
15 times or more per month at a facility not licensed for the sale of alcoholic beverages.

16 SECTION 78: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
18 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

24 SECTION 79: Whenever in this ordinance any act is prohibited or is made or declared
25 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
26 required or the failure to do any act is made or declared to be unlawful or an offense or a
27 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
28 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than

1 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
2 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

3 SECTION 80: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

7 APPROVED:

8
9 By _____
OSCAR B. GOODMAN, Mayor

10 ATTEST:

11
12 _____
BARBARA JO RONEMUS, City Clerk

13 APPROVED AS TO FORM:

14
15 Jenny G. Bethia 12-10-02
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2002, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL

Bill No. 2003-32 – Ordinance Creating Special Improvement District No. 1487 - Jones Boulevard (Beltway to Elkhorn Road) Sponsored by: Step Requirement

Fiscal Impact

No Impact

Amount: \$803,944.47

Budget Funds Available

Dept./Division: Public Works/SID

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

The construction and installation of pavement, “L” type curb and gutter, sidewalk, driveway approaches, water laterals and mains, sewer laterals and mains, and streetlights.

RECOMMENDATION:

This bill should be submitted to a recommending committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-32

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-32 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order

No one appeared in opposition and there was no further discussion

COUNCILMAN WEEKLY declared the Public Hearing closed

(4:04)

1-59

BILL NO. 2003-32
ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1487 – JONES BOULEVARD (BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the Las Vegas, Nevada, Special Improvement District No. 1487 – Jones Boulevard (Beltway to Elkhorn Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Street Project, Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer and the Engineering Integration Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed; the amount

of the estimated assessment to be levied thereon, and the amount of maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271 305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, February 28, 2003, and to appear before the City Council on Wednesday, March 5, 2003, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District, and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project in part with funds derived from the levy of assessments, and the City will pay one-half or more of the costs with monies derived from sources other than the levy of special assessments and that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No. 1487 Protest Disposal Resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work by this Ordinance

NOW, THEREFORE, THE CITY COUNCIL, OF THE CITY OF LAS VEGAS, DOES ORDAIN AS FOLLOWS:

Section 1 That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1487 Creation Ordinance" (the "Ordinance")

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1487 Protest Disposal Resolution, overruled, and finally passed upon by the City Council

Section 3. That the City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible.
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made

Section 4 That there hereby is created in the City an improvement district designated as the "Las Vegas, Nevada, Special Improvement District No 1487 – Jones Boulevard (Beltway to Elkhorn Road)" for the purpose of acquiring a Project as more particularly described below The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed,

shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below) The streets to be improved by the improvements are.

Jones Boulevard (BOTH SIDES) - from the centerline of the Beltway north along Jones Boulevard to the centerline of Elkhorn Road (100-foot right-of-way)

Section 5 That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described The character of the improvements shall be described more particularly as follows:

The improvements on Jones Boulevard will consist of the grading, regrading, graveling, and asphalt paving as necessary for at least four (4) travel lanes, a two-way center left turn lane with raised medians at the signalized or future signalized intersections, "L" type curb and gutter, sidewalks, drainage facilities, commercial or residential driveway approaches and streetlights. The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District (filed with the office of the Special Improvement District prior to January 31, 2003), water and sewer laterals will be installed from existing or proposed main lines in Jones Boulevard to such property (hereinafter collectively referred to as the "Improvements") Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee and are annexed to the City at the time of hookup THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT

The City Council has determined that the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6 That the estimated total cost of the Project shall be apportioned and assessed as follows

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
\$ 6,430,595	\$ 803,944.47	\$ 5,626,650.53

The amounts to be assessed for the Improvements in the District will be levied upon all tracts in the District, i.e , upon all abutting tracts in proportion to the special benefits derived (as shown by the

estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform

The assessments will be levied on a front foot method for the installation of pavement, curb, gutter, sidewalk, residential driveways, and streetlights and on a square foot method for the installation of commercial driveways. Each property owner will be assessed for the cost of a pavement section, curb, gutter, sidewalks, driveway approaches and streetlights, where not already existing. The owners of property who elect to have water or sewer installed will be assessed on a per service or unit lot method for the installation of sewer laterals or water laterals. The potable water and sanitary sewer main extensions will be assessed on a front foot method.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1487 Provisional Order Resolution

Section 7 That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly-shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived

Section 8 That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9 That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in twenty (20) substantially equal semi-annual installments of principal and interest. The City Council shall provide the

time and terms of payment of such assessments and shall fix penalties (not to exceed two percent (2%) per month) to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments, which will not exceed the current maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If bonds are not issued for the District, the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

Section 10 That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11 That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12 That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed). The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or

liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance

Section 13 That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14 That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request. Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before May 7, 2003, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of

ORDINANCE NO _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1487 – JONES BOULEVARD (BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 2nd day of April, 2003, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 7th day of May, 2003

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15 That this Ordinance shall be in effect on the day after its publication, as hereinafter provided After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2 110 of the City of Las Vegas Charter and all laws thereunto enabling Such publication shall be in substantially the following form

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1487 – JONES BOULEVARD (BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 2, 2003, and was passed at a regular meeting held on May 7, 2003, by the following vote of the City Council of the City of Las Vegas, Nevada.

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Michael J. McDonald
Larry Brown
Lynette Boggs McDonald
Lawrence Weekly
Michael Mack

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after _____, 2003, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only

This _____ day of _____, 2003

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest.
/s/ BARBARA JO RONEMUS
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced April 2, 2003, PASSED, ADOPTED AND APPROVED May 7, 2003.

OSCAR B GOODMAN, Mayor

Attest

BARBARA JO RONEMUS, City Clerk

Approved as to form:

3-19-03 _____
Date Deputy City Attorney
Madelaine J. Dickman DiCicco

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify:

1 The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on April 2, 2003, and finally adopted and approved on May 7, 2003.

2 The following members of the City Council were present at the April 2, 2003, Council meeting.

Mayor	Oscar B Goodman
Councilmembers	Gary Reese
	Michael J. McDonald
	Larry Brown
	Lynette Boggs McDonald
	Lawrence Weekly
	Michael Mack

3 The foregoing Ordinance was first proposed and read by title to the City Council on April 2, 2003, and referred to a committee composed of _____ and _____ for recommendation, thereafter the said committee reported favorably on said Ordinance on May 7, 2003, which was a regular meeting of said City Council, that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the May 7, 2003, meeting and voted upon the adoption of the Ordinance as follows.

Those Voting Aye:	Oscar B Goodman
	Gary Reese
	Michael J. McDonald
	Larry Brown
	Lynette Boggs McDonald
	Lawrence Weekly
	Michael Mack

Those Voting Nay	_____

Those Absent	_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed

5. All members of the City Council were given due and proper notice of the meetings held on April 2, and May 7, 2003 Pursuant to § 241 020, Nevada Revised Statutes, written notice of the meetings was given no later than 9.00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9 00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Hall
City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (ii) Senior Citizens Center
Las Vegas, Nevada
- (iii) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (iv) Downtown Transportation Center
Las Vegas, Nevada

, and

(b) By mailing a copy of the notice by 9.00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council

6 A copy of such notice so given of the meeting of the City Council on April 2, 2003, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on May 7, 2003, is attached to this certificate as Exhibit B

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law

IN WITNESS WHEREOF, I have hereunto set my hand on this May 7, 2003.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of April 2, 2003 Meeting)

EXHIBIT B

(Attach Copy of Notice of May 7, 2003 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Title of Creation Ordinance)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-33 – Annexation No. ANX-1509 – Property location: On the south side of Tropical Parkway, 740 feet east of Rainbow Boulevard; Petitioned by: Eric M Cheese; Acreage: 2.19 acres; Zoned: R-E (County zoning), U (DR) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the south side of Tropical Parkway, 740 feet east of Rainbow Boulevard. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (May 16, 2003) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-33 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-33 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order

No one appeared in opposition and there was no further discussion

COUNCILMAN WEEKLY declared the Public Hearing closed

(4:04)

1 **BILL NO. 2003-33**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY
4 DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE
5 LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER
6 RELATED MATTERS. (ANX-1509)

6 Sponsored by: Councilman Michael Mack

Summary: Annexes property described generally
as located on the south side of Tropical Parkway,
740 feet east of Rainbow Boulevard.

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

9 AS FOLLOWS:

10 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby
11 extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described
12 real property:

13 The East Half (E 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of
14 the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 26,
Township 19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada.

15 SECTION 2: The City Council hereby determines that the described territory meets
16 the requirements provided by law for annexation to the City for the following reasons:

- 17 A. The area to be annexed was contiguous to the City's boundaries at the time the
18 annexation proceedings were instituted;
- 19 B. More than one-eighth (1/8) of the aggregate external boundaries of the area are
20 contiguous to the City;
- 21 C. The territory proposed to be annexed is not included within the boundaries of
22 another incorporated city or within the boundaries of any unincorporated town
23 as those boundaries existed as of July 1, 1983;
- 24 D. The City is eligible to annex the described territory since the landowners have
25 signed a petition constituting one hundred percent (100%) of the owners of
26 record of individual lots or parcels of land within the annexation area.

27 SECTION 3: The City will provide police protection through the Las Vegas
28 Metropolitan Police Department, fire protection, street maintenance, and library services immediately

1 upon annexation. Garbage collection by the company franchised by the City will also be provided
2 immediately. The City sanitary sewer system will serve the proposed annexation area. Any
3 connection to or extension of this sewer line to serve the annexation area shall be at the expense of
4 the landowners. Other services, such as participation in the City's recreational programs, special
5 education classes and programs, public works planning, building inspections, and other City services
6 will also be available immediately. Utilities such as gas, electricity, telephone, and water are provided
7 by private utility companies and other services to the area will not be affected by annexation. Street
8 paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation
9 will be installed in the presently developed areas upon the request of the property owners and at their
10 expense by means of special assessment districts. Such improvements will be extended into the
11 undeveloped areas as development takes place and the need therefor arises, and will be located
12 according to the needs of the area at that time. Such installations will also be made at the expense of
13 the property owners, either by means of special assessment districts or as prerequisites to the approval
14 of subdivision plats, building permits or other land use or development applications.

15 SECTION 4: The annexation of the described territory shall become effective on the
16 16th day of May, 2003, and on that date the City will have the funds appropriated in sufficient amount
17 to finance the extension into the described territory of police protection, fire protection, street
18 maintenance, street sweeping, and street lighting maintenance.

19 SECTION 5: The described territory, together with the inhabitants and property
20 thereof, shall, from and after the 16th day of May, 2003, be subject to all debts, laws, ordinances and
21 regulations in force in the City and shall be entitled to the same privileges and benefits as other parts
22 of the City, and shall be subject to municipal taxes levied by the City.

23 SECTION 6: The City Engineer is hereby instructed to cause to be prepared an
24 accurate map or plat of the described territory and to record the map or plat, together with a certified
25 copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which
26 recording shall be done prior to the 16th day of May, 2003.

27 SECTION 7: The described territory, which previously has been zoned R-E (County
28 of Clark classification), is hereby classified as U (DR) (City of Las Vegas classification), which is

1 deemed to be the City equivalent of the County classification.

2 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause of
3 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
4 or 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
6 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
7 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
8 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
9 invalid or ineffective.

10 SECTION 9: All ordinances or parts of ordinances, sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
12 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

14 APPROVED:

15
16 By _____
17 OSCAR B. GOODMAN, Mayor

18 ATTEST:

19 _____
BARBARA JO RONEMUS, City Clerk

20 APPROVED AS TO FORM:

21 Val Steel 3-20-03
22 Date

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1 The above and foregoing ordinance was first proposed and read by title to the Council on the _____
2 day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation; thereafter the said
4 committee reported favorably on said ordinance on the _____ day of _____, 2003,
5 which was a _____ meeting of said Council; that at said _____ meeting,
6 the proposed ordinance was read by title to the City Council as first introduced and adopted by the
7 following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

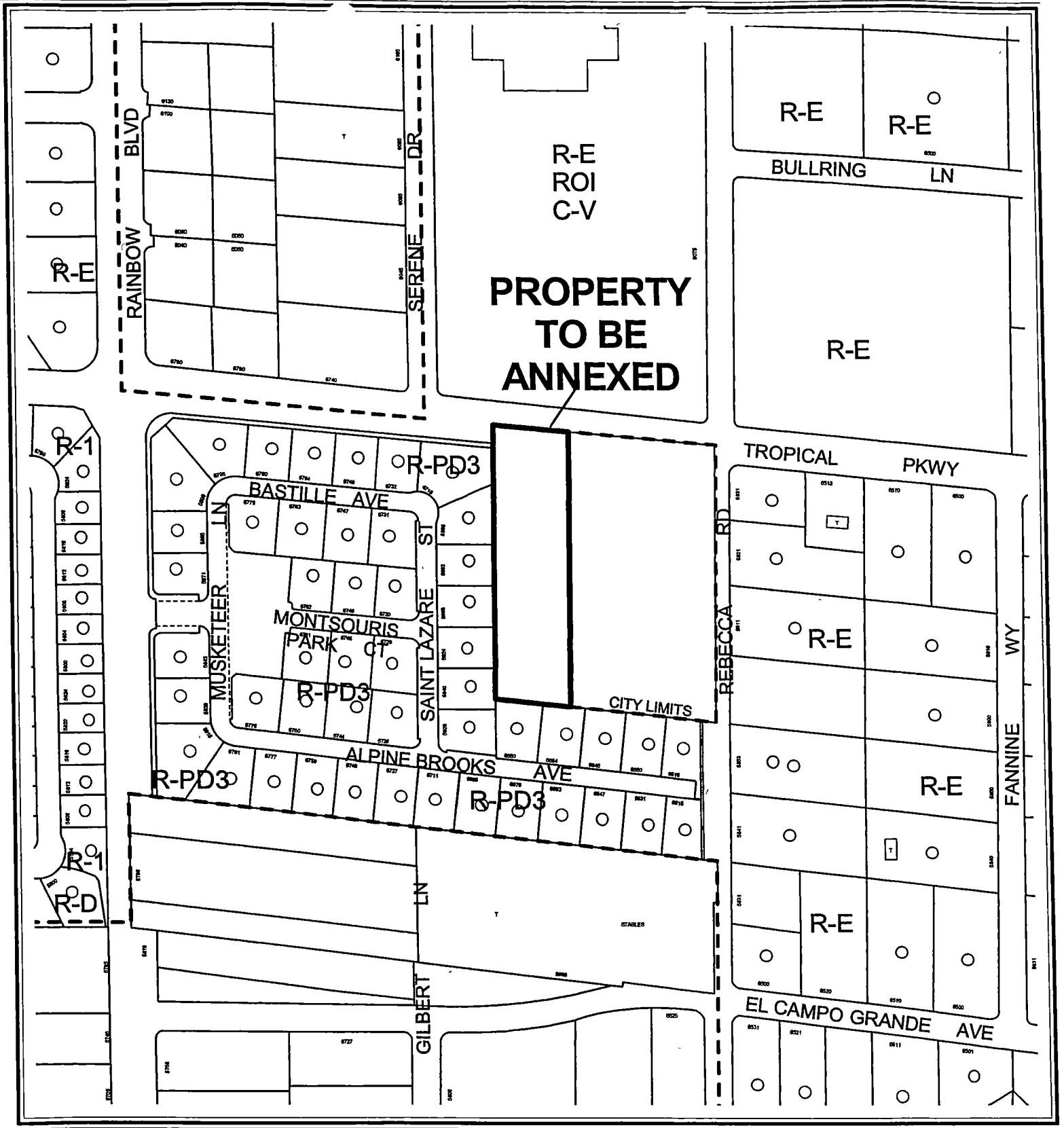
10 ABSENT: _____

11 APPROVED:

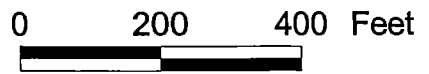
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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk
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CASE: ANX-1509



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-34 – Annexation No. A-0080-01(A) – Property location. On the north side of Vegas Drive, 520 feet east of Michael Way; Petitioned by. Temporary Assistance for Domestic Crises, Inc.; Acreage: 1.61 acres; Zoned. R-E (County zoning), R-E (City equivalent) Sponsored by. Councilman Lawrence Weekly

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the north side of Vegas Drive, 520 feet east of Michael Way. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 6, 2003) is set by this ordinance

NOTE: The property is developed with a facility for troubled families.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-34 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-34 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order.

No one appeared in opposition and there was no further discussion

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:04 – 4.05)

1 **BILL NO. 2003-34**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY
4 DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE
5 LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER
6 RELATED MATTERS. (A-0080-01(A))

6 Sponsored by: Councilman Lawrence Weekly Summary: Annexes property described generally
7 as located on the north side of Vegas Drive, 520
8 feet east of Michael Way.

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

10 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby
11 extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described
12 real property:

13 Those portions of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4)
14 of Section 24, Township 20 South, Range 60 East, M.D.M., in the County of Clark,
15 State of Nevada, described as follows:

15 PARCEL 1

16 That certain parcel of land as described by GRANT, BARGAIN, SALE DEED to
17 TEMPORARY ASSISTANCE FOR DOMESTIC CRISIS, INC., recorded March 17,
18 1982 in Book 1536 as Instrument Number 1495828 of Clark County, Nevada Records,
19 being the East Half (E 1/2) of the following described parcel of land:

19 The South Half (S 1/2) of the Southwest Quarter (SW 1/4) of the Southwest Quarter
20 (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 24.

20 EXCEPT THEREFROM, that portion of the above-described PARCEL 1, lying within
21 the West 460 feet of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of the
22 Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 24.

22 PARCEL 2

23 The West 110 feet of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the
24 Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 24.

25 SECTION 2: The City Council hereby determines that the described territory meets
26 the requirements provided by law for annexation to the City for the following reasons:

- 27 A. The area to be annexed was contiguous to the City's boundaries at the time the
28 annexation proceedings were instituted;

1 B. More than one-eighth (1/8) of the aggregate external boundaries of the area are
2 contiguous to the City;

3 C. The territory proposed to be annexed is not included within the boundaries of
4 another incorporated city or within the boundaries of any unincorporated town
5 as those boundaries existed as of July 1, 1983;

6 D. The City is eligible to annex the described territory since the landowners have
7 signed a petition constituting one hundred percent (100%) of the owners of
8 record of individual lots or parcels of land within the annexation area.

9 SECTION 3: The City will provide police protection through the Las Vegas
10 Metropolitan Police Department, fire protection, street maintenance, and library services immediately
11 upon annexation. Garbage collection by the company franchised by the City will also be provided
12 immediately. The City sanitary sewer system will serve the proposed annexation area. Any
13 connection to or extension of this sewer line to serve the annexation area shall be at the expense of
14 the landowners. Other services, such as participation in the City's recreational programs, special
15 education classes and programs, public works planning, building inspections, and other City services
16 will also be available immediately. Utilities such as gas, electricity, telephone, and water are provided
17 by private utility companies and other services to the area will not be affected by annexation. Street
18 paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation
19 will be installed in the presently developed areas upon the request of the property owners and at their
20 expense by means of special assessment districts. Such improvements will be extended into the
21 undeveloped areas as development takes place and the need therefor arises, and will be located
22 according to the needs of the area at that time. Such installations will also be made at the expense of
23 the property owners, either by means of special assessment districts or as prerequisites to the approval
24 of subdivision plats, building permits or other land use or development applications.

25 SECTION 4: The annexation of the described territory shall become effective on the
26 6th day of June, 2003, and on that date the City will have the funds appropriated in sufficient amount
27 to finance the extension into the described territory of police protection, fire protection, street
28 maintenance, street sweeping, and street lighting maintenance.

1 SECTION 5: The described territory, together with the inhabitants and property
2 thereof, shall, from and after the 6th day of June, 2003, be subject to all debts, laws, ordinances and
3 regulations in force in the City and shall be entitled to the same privileges and benefits as other parts
4 of the City, and shall be subject to municipal taxes levied by the City.

5 SECTION 6: The City Engineer is hereby instructed to cause to be prepared an
6 accurate map or plat of the described territory and to record the map or plat, together with a certified
7 copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which
8 recording shall be done prior to the 6th day of June, 2003.

9 SECTION 7: The described territory, which previously has been zoned R-E (County
10 of Clark classification), is hereby classified as R-E (City of Las Vegas classification), which is deemed
11 to be the City equivalent of the County classification.

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

20 SECTION 9: All ordinances or parts of ordinances, sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

4 APPROVED:

5

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By _____
OSCAR B. GOODMAN, Mayor

7

ATTEST:

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BARBARA JO RONEMUS, City Clerk

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APPROVED AS TO FORM:

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Valsted 3-20-03
Date

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1 The above and foregoing ordinance was first proposed and read by title to the Council on the _____
2 day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation; thereafter the said
4 committee reported favorably on said ordinance on the _____ day of _____, 2003,
5 which was a _____ meeting of said Council; that at said _____ meeting,
6 the proposed ordinance was read by title to the City Council as first introduced and adopted by the
7 following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk
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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-36 – Eliminates the exemption from double penalties for delinquent handicapped parking violations. Proposed by: Mark Vincent, Director of Finance and Business Services

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City currently charges a double penalty on delinquent payments for parking violations other than handicapped parking violations. A City audit has recommended that the penalty be charged for handicapped violations as well. This bill will implement that recommendation. There will be no negative fiscal impact, the bill should result in a modest increase in collections.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No 2003-36

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-36 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this is a cleanup bill identified as necessary during a City audit. Currently delinquent payments on certain parking violations are doubled, but that has not been the case with handicapped violations. This will bring those violations into conformance.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4.05 – 4.06)

1 **BILL NO. 2003-36**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ELIMINATE THE EXEMPTION FROM DOUBLE PENALTIES FOR
4 DELINQUENT HANDICAPPED PARKING VIOLATIONS, AND TO PROVIDE FOR OTHER
RELATED MATTERS.

5 Proposed by: Mark Vincent,
6 Director of Finance and Business Services

Summary: Eliminates the exemption from
double penalties for delinquent handicapped
parking violations.

7
8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Title 11, Chapter 10, Section 90, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **11.10.090:** (A) A response to a Notice of Infraction, as provided in Subsection (A) or
13 Subsection (B) of Section 11.10.080[, Subsection A and/or B] must be made within thirty calendar
14 days after the date on which the Notice of Infraction is served. If no response is received during such
15 thirty-day period, an additional civil penalty which is equal to the amount of the original civil fine
16 must be assessed.

17 (B) After the expiration of the thirty-day response period, the Director of [the
18 Department of Business Activity,] Finance and Business Services, or his authorized designee, must
19 send a Notice of Delinquency by mail to the registered owner of the vehicle at the registered owner's
20 last known address, as indicated by the vehicle registration which is maintained by the Nevada
21 Department of Motor Vehicles. The Notice of Delinquency must contain the date of the infraction,
22 the amount of the civil fine and the amount of any penalty which is associated therewith. The
23 registered owner has fifteen calendar days after the date of the Notice of Delinquency in which to
24 respond thereto in the manner which is provided in Subsection (A) or Subsection (B) of Section
25 11.10.080, [, Subsection A and/or B. Except in cases of violations of Section 11.10.170, if] If no
26 response is made to the Notice of Delinquency within such additional fifteen-day period, a civil
27 penalty must be assessed equal to two times the original civil fine amount, in addition to the original
28 civil fine.

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SECTION 2: 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, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 3-20-03
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

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16 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-37 – Adopts for use by the City the provisions of NRS 484.408 relating to handicapped parking spaces that are designed for the use of a vehicle with a side-loading wheelchair lift or for the loading and unloading of a wheelchair. Proposed by. Michael Sheldon, Director of Detention and Enforcement

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the Municipal Code to conform to the provisions of State law regarding the use of handicapped parking spaces that are designed for the use of a vehicle with a side-loading wheelchair lift or for the loading and unloading of a wheelchair. The bill will also conform the fine amounts to those set forth in State law.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-37

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-37 be forwarded to the Full Council with a recommendation to strike. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MICHAEL SHELDON, Director of Detention & Enforcement, explained that this was a housekeeping bill to bring the City code into conformance with the language existing in the Nevada Revised Statutes. Since then, the Attorney General has ruled that state language may be unconstitutional. He recommended the bill be stricken at this stage.

RECOMMENDING COMMITTEE MEETING OF APRIL 14, 2003

City Attorney

Item 6 – Bill No. 2003-37

MINUTES – Continued:

AL GALLEGO questioned how to tell when the side door will be used with a side-loading vehicle. MR. SHELDON responded that that may be part of the reason the language is unconstitutional. MR. GALLEGO indicated that a handicapped Las Vegas Metropolitan Police (Metro) officer rides in a regular car.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:06 – 4:08)

1-112

1 **BILL NO. 2003-37**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT THE PROVISIONS OF NRS 484.408 RELATING TO
4 HANDICAPPED PARKING SPACES THAT ARE DESIGNED FOR THE USE OF A VEHICLE
5 WITH A SIDE-LOADING WHEELCHAIR LIFT OR FOR THE LOADING AND UNLOADING
6 OF A WHEELCHAIR, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Michael Sheldon,
7 Director of Detention and Enforcement

Summary: Adopts for use by the City the
provisions of NRS 484.408 relating to
handicapped parking spaces that are designed for
the use of a vehicle with a side-loading
wheelchair lift or for the loading and unloading
of a wheelchair.

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

12 SECTION 1: Title 11, Chapter 52, Section 135, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **11.52.135:** (A) Any parking space designated for the handicapped must be indicated by a sign:

15 (1) Bearing the international symbol of accessibility with or without the
16 words "Parking," "Handicapped Parking," "Handicapped Parking Only," or "Reserved for the
17 Handicapped," or any other word or combination of words indicating that the space is designated for
18 the handicapped;

19 (2) Stating [the amount of the fine for unauthorized use;] "Minimum fine
20 of \$100 for use by others" or equivalent words; and

21 (3) The bottom of which must be not less than four feet above the ground.

22 (B) In addition to the requirements of Subsection (A), a parking space designated
23 for the handicapped which:

24 (1) Is designed for the exclusive use of a vehicle with a side-loading
25 wheelchair lift; and

26 (2) Is located in a parking lot with 60 or more parking spaces, must be
27 indicated by a sign using a combination of words to state that the space is for the exclusive use of a
28 vehicle with a side-loading wheelchair lift.

1 (C) If a parking space is designed for the use of a vehicle with a side-loading
2 wheelchair lift, the space which is immediately adjacent and intended for use in the loading and
3 unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

4 (1) Stating “No Parking” or similar words which indicate that parking in
5 such a space is prohibited;

6 (2) Stating “Minimum fine of \$100 for violation” or similar words
7 indicating that the minimum fine for parking in such a space is \$100; and

8 (3) The bottom of which must not be less than four feet above the ground.

9 [(B)] (D) A person shall not park a vehicle in a space designated for the handicapped by
10 a sign that meets the requirements of Subsection (A), whether on public or privately owned property,
11 unless he is eligible to do so and the vehicle displays:

12 (1) Special license plates for a handicapped person;

13 (2) A parking permit for a handicapped person; or

14 (3) An officially recognized emblem issued by this State or another
15 jurisdiction indicating that the driver or a passenger in the vehicle is eligible.

16 No person may park a vehicle in a handicapped space pursuant to this Subsection for a period that
17 exceeds the time limit, if any, that is specified on the sign pertaining thereto.

18 (E) Except as otherwise provided in this Subsection, a person shall not park a
19 vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift
20 and is designated for the handicapped by a sign that meets the requirements of Subsection (A),
21 whether on public or privately owned property, unless:

22 (1) He is eligible to do so;

23 (2) The vehicle displays the special license plates or permit described in
24 Subsection (D); and

25 (3) The vehicle is equipped with a side-loading wheelchair lift. A person
26 who meets the requirements of Paragraphs (1) and (2) may park a vehicle that is not equipped with
27 a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than
28 60 parking spaces.

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(F) A person shall not park in a space which:

(1) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(2) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3, whether on public or privately owned property.

[(C)] (G) A person shall not use such a plate, permit or emblem for a vehicle for the purpose of parking unless he is handicapped or is the driver of a vehicle in which a handicapped person is a passenger.

SECTION 2: Title 11, Chapter 10, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.10.170: For parking a vehicle in an area which is posted with a lawful handicapped[,] parking sign [when such vehicle does not display a handicapped permit or license plate,] in violation of LVMC 11.52.135, the civil fine: [is one hundred dollars for a first offense, two hundred fifty dollars for a second offense and no less than two hundred fifty, but no more than one thousand dollars for a third or subsequent offense (as provided for by NRS 484.408).]

(A) For a first offense, is one hundred dollars;

(B) For a second offense, is two hundred fifty dollars; and

(C) For a third or subsequent offense, is no less than five hundred but no more than one thousand dollars.

SECTION 3: 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, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:
12 Valsted 3-20-03
13 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-38 – Amends the Town Center Development Standards Manual to add to the list of signs that are permitted in Town Center. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Town Center Development Standards Manual currently does not address the use of flags, decorations, incidental signs and certain temporary signs. This bill will indicate the circumstances under which such signs are to be allowed in Town Center.

RECOMMENDATION:

This bill should be submitted to a recommending committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-38

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-38 be forwarded as a First Amendment to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

KYLE WALTON, Planning & Development, clarified that there has not been any provision for temporary signs in the Town Center. With help from the Homebuilders Association and representatives from the signage industry, standards have been developed for temporary signs. The standards would apply specifically to directional signage to and from residential developments.

CHIEF DEPUTY CITY ATTORNEY STEED added that the original draft of the bill contemplated a colored logo. Since introduction, the colors and logo have been approved and it is recommended that the bill be amended in order to incorporate Figure 15a as part of the Town Center Standards Manual.

RECOMMENDING COMMITTEE MEETING OF APRIL 14, 2003

City Attorney

Item 7 – Bill No. 2003-38

MINUTES – Continued:

COUNCILMAN MACK discussed with MR. WALTON about using monument-type signage for groups of home developments similar to that used in Summerlin and Green Valley MR. WALTER identified that type of monument as community directional signs and responded that the existing standards provide for them COUNCILMAN MACK suggested a letter notification be sent to the development community regarding use of that type of directional signage.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4 08 – 4.10)

1-175

1 **BILL NO. 2003-38**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE TOWN CENTER DEVELOPMENT STANDARDS MANUAL
4 TO ADD TO THE LIST OF SIGNS THAT ARE PERMITTED IN TOWN CENTER, AND TO
5 PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Robert S. Genzer, Director of
6 Planning and Development

Summary: Amends the Town Center
Development Standards Manual to add to the list
of signs that are permitted in Town Center.

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

8 AS FOLLOWS:

9 SECTION 1: The Town Center Development Standards Manual (the "Manual"), as
10 adopted by Ordinance No. 5389 on November 7, 2001, and as amended thereafter, is hereby amended
11 further by adding to Section D.1.G (entitled "Permitted Signs") two new subdivisions, numbered 5
12 and 6, reading as follows:

13 5. Signs Permitted Without a Certificate

14 Except as otherwise specifically provided in this Manual, the following signs and similar devices are
15 permitted in the T-C District subject to the specified conditions, without the issuance of a sign
16 certificate:

17 A. Decorations

18 Signs in the nature of decorations, clearly incidental and customary and commonly associated with
19 any national, local or religious holiday; provided that such signs are not displayed for a period of not
20 more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) calendar year.
21 Such signs are not restricted as to type, number, area, height, location, illumination, or animation.

22 B. Traffic Control Signs on Private Property

23 Any traffic control sign on private property, such as "Stop," "Yield" and similar signs, the face of
24 which meets Department of Public Works standards and which contains no commercial message of
25 any sort.

26 C. Official Flags of Governments and Governmental Agencies

27 Flags of the United States, state flags, municipal flags, flags of foreign nations and any other flag
28 representing a government or governmental agency, provided that:

- 1 1. The flag is not flown from a pole the top of which is more than 40 feet in
2 height;
- 3 2. No more than one flag for any one governmental unit or nation is permitted on
4 each parcel of land; and
- 5 3. No more than four flags are permitted on the same parcel of land.

6 D. Official Flags of Private Entities

7 Official flags of private corporations or other private entities are permitted at the location of the main
8 headquarters, corporate offices or branch office of the subject entity provided that:

- 9 1. The flags do not exceed 60 square feet in area
- 10 2. The flags are not flown from a pole the top of which is more than 40 feet in
11 height; and
- 12 3. No more than one flag is permitted on each parcel of land.

13 E. Incidental Signs (Attached or Freestanding)

- 14 1. Non-directional signs.
 - 15 a. Maximum number. There is no specific limit on the number of signs.
 - 16 b. Maximum area. Incidental signs, including warning and trespassing
17 signs are permitted without review if they do not exceed four square feet in size or nine square feet
18 for an incidental sign set back at least 30 feet from the right-of-way.
 - 19 c. Maximum height Five feet.
 - 20 d. Minimum setback. Five feet from all property lines.
 - 21 e. Additional standards, including district variations. Typical incidental
22 signs include, but are not limited to, "restroom," "telephone," "no parking," "entrance," "exit," and
23 generic directions such as "office," "ATM," or "stores." No such sign shall carry any commercial
24 message whatsoever.

25 2. Directional Signs. Signs specifically designed to give parking or traffic
26 directions and other directional information commonly associated with and related to the permitted
27 use. Such signs shall be limited to:

- 28 a. Type. Wall and freestanding signs.

1 b. Maximum number. Two per driveway or vehicular access except that
2 any such sign not legible from the public right-of-way shall not be counted in this limitation.

3 c. Maximum area. 12 square feet. If the sign includes a business name
4 or logo, it shall not comprise more than 50 percent of the permitted sign area.

5 d. Maximum height. Seven feet.

6 e. Minimum setback. Five feet from all property lines.

7 f. Illumination permitted. Internal illumination only.

8 6. Temporary Residential Subdivision Signs

9 Temporary Residential Subdivision Signs shall not be installed unless such signs are approved as a
10 part of a master sign plan in accordance with Section K, Sign Approval Procedures.

11 A. Project Flags

12 Project flags are decorative flags intended to identify a specific development containing a residential
13 use. These flags do not contain any advertising copy other than the name or the logo of the
14 development or name of the developer.

15 1. Maximum number. 25 flags per development that is 10 acres in area or less,
16 plus one additional flag for each additional one-half acre in area.

17 2. Maximum area. 24 square feet in area.

18 3. Maximum height. 24 feet.

19 4. Minimum setback. Five feet from all property lines.

20 5. Illumination permitted. No.

21 6. Certificate required. No.

22 B. Subdivision Development Sale Signs

23 1. Maximum number. One subdivision development sale sign per residential
24 subdivision per street frontage, with a maximum of two signs per subdivision.

25 2. Maximum area. 240 square feet per sign.

26 3. Maximum height. 22 feet, or 12 feet above the nearest property line wall.

27 4. Minimum setbacks and separations.

28 a. 10 feet from any public right-of-way.

1 b. 50 feet from any other on-premise, off-premise or subdivision
2 development sale sign.

3 5. Additional standards. The sign shall be a freestanding sign that is firmly
4 secured in the ground, as approved by the Building Official.

5 6. Illumination permitted. Direct white light or internal illumination only.

6 7. Certificate required. Yes. The certificate application shall be accompanied by:

7 a. A site plan that clearly depicts the location of the proposed sign;

8 b. A drawing or picture of the proposed sign; and

9 c. A description of the means by which the sign will be secured.

10 8. Duration of Certificate. The certificate shall be valid for 24 months or until the
11 last unit or lot is sold, whichever occurs first. At that time, the sign shall be removed unless a new
12 certificate has been obtained. The property owner(s) and certificate holder shall each be responsible
13 for maintenance and removal of the sign.

14 9. Landowner(s) consent. Any person placing a directional sign shall obtain the
15 permission of the owner(s) of the property on which the sign is placed. Nothing in this ordinance shall
16 be construed to authorize the placement of any sign without the permission of the landowner(s).

17 10. Design Standard. All structural members and support structures shall be
18 concealed by architectural treatments or landscaping as approved in the master sign plan. All such
19 signs may contain the Centennial Hills Town Center logo and colors as may be adopted by the City.
20 The sign area of the logo will be excluded from the calculation of the total sign area of each sign, as
21 approved in the master sign plan.

22 C. Subdivision Development Continuous Directional Signs

23 Subdivision development directional signs are not considered “on-premise” signs or “off-premise”
24 signs and are subject to the following:

25 1. Maximum number.

26 a. Eight signs per residential subdivision. Only four of the eight permitted
27 signs may be located within the boundaries of Town Center.

28 b. A sign structure advertising two or more different subdivisions may

1 count all the signs on that structure towards the eight sign limit for only one of the subdivisions
2 advertised on such structure, if the owner(s) or lessee(s) of the sign includes in the required master
3 sign plan the location, use and details of how all such signs are allocated.

4 2. Maximum area.

5 a. Two signs may be up to 128 square feet in area. The two 128 square
6 foot signs may only be located outside of the boundaries of Town Center.

7 b. Two of the eight permitted signs may be up to 96 square feet in area.

8 c. An embellishment of up to 20 percent of each sign area may be added
9 to the sign.

10 3. Maximum height. 14 feet, except that any authorized sign that exceeds 40
11 square feet in size may be up to of 22 feet in height.

12 4. Minimum setbacks and separations.

13 a. 10 feet from any public right-of-way.

14 b. 100 feet from any other such sign or any other on-premise or
15 off-premise sign.

16 5. Additional standards.

17 a. These signs are allowed only on vacant undeveloped lots;

18 b. For any sign that is proposed within 660 feet of any highway classified
19 by the State of Nevada as part of the interstate and primary highway system, a State of Nevada sign
20 permit is required.

21 c. Such signs shall not be located more than four miles from the
22 subdivision to which it is providing direction.

23 d. Each sign shall be a freestanding sign that is firmly secured in the
24 ground, as approved by the Building Official.

25 e. Not at any time will such a sign located within the boundaries of Town
26 Center advertise a development outside of Town Center.

27 6. Illumination permitted. No.

28 7. Certificate required. Yes. The certificate application shall be accompanied by:

- 1 a. A site plan that depicts the proposed location of each sign;
- 2 b. A drawing or picture of each proposed sign;
- 3 c. A description of the means by which the sign will be secured; and
- 4 d. A master location plan that indicates where all of the subdivision
- 5 development continuous directional signs in Town Center (not including weekend directional signs)
- 6 for the subdivision will be placed.

7 8. Duration of certificate. The sign certificate shall be valid for 24 months or until
8 the last unit or lot is sold, whichever occurs first. At that time, the sign shall be removed unless a new
9 certificate has been obtained. The property owner(s) and the certificate holder shall each be
10 responsible for maintenance and removal of the sign.

11 9. Landowner(s) consent. Any person placing a directional sign shall obtain the
12 permission of the owner(s) of the property on which the sign is placed. Nothing in this ordinance shall
13 be construed to authorize the placement of any sign without the permission of the landowner(s).

14 10. Design Standard. All structural members and support structures shall be
15 concealed by architectural treatments or landscaping as approved in the master sign plan. All such
16 signs may contain the Centennial Hills Town Center logo and colors as may be adopted by the City.
17 The sign area of the logo will be excluded from the calculation of the total sign area of each sign, as
18 approved in the master sign plan.

19 D. Subdivision Development -- Weekend Directional Signs
20 Weekend directional signs shall be used only to direct traffic to residential projects and shall not be
21 employed for non-residential purposes of any kind or be used for any residential project outside of the
22 boundaries of Town Center.

23 1. Maximum number. 30 weekend directional signs per residential subdivision
24 located within the boundaries of Town Center.

25 2. Maximum area. Four square feet per sign.

26 3. Maximum height.

27 a. Four feet above nearest street curb.

28 b. 32 inches above nearest street curb when within 50 feet of any street

1 intersection or driveway opening. Where no curb exists, height shall be measured from edge of
2 adjacent public right-of-way.

3 4. Sign placement.

4 a. Maximum placement distance of any weekend directional sign from its
5 respective residential subdivision project shall be four miles as measured along a radial line whose
6 axis is located at any point on the subject property.

7 b. Minimum spacing between signs relating to the same project is 300 feet;
8 provided, however, that two signs may be placed within 10 feet of each other at locations where the
9 path of travel turns direction.

10 c. Signs shall be placed at least 25 feet from any street intersection or
11 driveway and not block or overhang any sidewalk or other established pedestrian way.

12 d. Such signs shall not be located within any landscaped areas in
13 rights-of-way.

14 5. Additional standards.

15 a. Changes in copy and graphics may be made without re-issuance of
16 certificates. If, the name of the subdivision changes, the developer shall apply for a new certificate.

17 b. Signs may only be installed after 6 PM on Friday or on the day before
18 any Federal, State, or City holiday that may occur throughout the week, and all signs shall be removed
19 by 6 AM on Monday or by the same time on the day after such holiday.

20 c. Signs shall be made of plastic, or some other weather resistant material
21 approved by the Director, and shall be attached to a single metal stake. Signs mounted on wooden
22 stakes are prohibited.

23 d. All such signs may contain the Centennial Hills Town Center logo and
24 colors as may be adopted by the City.

25 6. Illumination permitted. No.

26 7. Master sign plan required. Weekend directional signs shall not be installed
27 unless such signs are approved as a part of a master weekend directional sign plan. A certificate
28 application shall be presented for each development for which weekend directional signs are to be

1 employed. The application shall be in a form and include exhibits as specified by the Department of
2 Planning and Development. The certificate application shall state the name and mailing address of
3 the party to be notified in the event of any violations of this Subsection. A master weekend directional
4 sign certificate may be issued to cover all weekend directional signs that have been approved as part
5 of a master weekend directional sign plan.

6 8. Insurance required. Applicants for weekend directional sign certificates shall
7 provide proof of and maintain comprehensive liability insurance in the minimum amount of \$250,000
8 per occurrence in a form acceptable to the Director. If any sign is placed in any unimproved public
9 right-of-way, the certificate holder shall assume full responsibility for any damages or injuries to
10 persons or property resulting either wholly or in part from the placement of the sign and shall agree
11 to defend and indemnify the City and hold the City harmless from all liability for damages or injuries.

12 9. Landowner(s) consent. Any person placing a directional sign shall obtain the
13 permission of the owner(s) of the property on which the sign is placed. Nothing in this ordinance shall
14 be construed to authorize the placement of any sign without the permission of the landowner(s).

15 10. Violations. Weekend directional signs that are without proper certification; are
16 placed within 25 feet of a street intersection or driveway; block or overhang sidewalks and other
17 public pedestrian walkways; advertise projects not located within the boundaries of Town Center; or
18 are left remaining after the time limitations set forth in this Subsection may be impounded
19 immediately. Violations and the recovery of signs are subject to the following charges and remedies:

20 Violation	Penalty
21 1st	\$10 per sign if without proper certification. Fee shall be waived if owner(s) obtains proper sign certificate. If properly certified, warning only.
22 2nd	\$10 per sign.
23 3rd	\$15 per sign, and misdemeanor citation.
24 4th	Revocation of weekend directional sign certificate

25
26 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

10 APPROVED:

11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:
15 _____
16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:
18 Valsted 3-24-03
19 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16
17 BARBARA JO RONEMUS, City Clerk

City of Las Vegas

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: APRIL 14, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

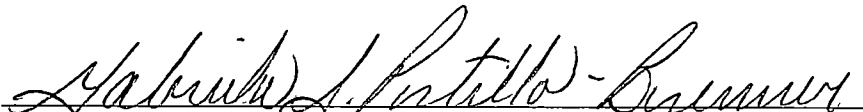
None

(4:10)

1-254

THE MEETING ADJOURNED AT 4:10 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

April 17, 2003