

City of Las Vegas

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, JUNE 2, 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 6/18/2003 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 ABEYANCE ITEM - Bill No. 2003-49 – Exempts the buying, selling or trading of used CD's, DVD's, video games, videotapes, cassettes or sound recordings from the secondhand dealer business licensing requirements Proposed by Mark Vincent, Director of Finance and Business Services
- 3 Bill No. 2003-51 – Adjusts the on-site parking requirements for barber shops and beauty parlors Proposed by Robert S Genzer, Director of Planning and Development
- 4 Bill No. 2003-52 – Establishes parameters for the keeping of carrier or racing pigeons within the City Sponsored by Mayor Oscar B. Goodman
5. Bill No 2003-53 – Establishes zoning requirements for facilities that provide testing, treatment, or counseling for drug or alcohol abuse, and updates zoning provisions regarding similar and related uses Sponsored by Michael J. McDonald
6. Bill No 2003-54 – Permits restricted gaming in supper clubs under certain circumstances, and prohibits restricted gaming in the Downtown Entertainment Overlay District Sponsored by Councilman Larry Brown

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

12/1 ✓

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 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

(4.07 – 4.08)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 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 6/2/2003 Recommending Committee meeting pursuant to the 5/19/2003 Recommending Committee.

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

BACKUP DOCUMENTATION:

Bill No. 2002-145

Submitted at the meeting: Proposed First Amendment for 2002-145 and copy of letter addressed to Jim DiFiore from Luke Puschnig

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2002-145 be forwarded to the Full Council as a Second Amendment with a “Do Pass” recommendation. COUNCILMAN MACK abstained because his brother-in-law owns Timbers Hospitality Group, which might be affected by this ordinance change.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 1 – Bill No. 2002-145

MINUTES – Continued:

MARK VINCENT, Director, Finance and Business Services, said that this bill makes changes to new alcoholic beverage licensing categories for banquet and convention and non-profit restaurant service, as well as changes to Title 19 regarding zoning issues and special use permit regulations for unlicensed locations hosting special events. It also incorporates provisions of tavern-limited licenses for the Entertainment District in the downtown area. Provides for a waiver of a new original fee for property annexed from Clark County and makes non-transferable any license issued in the County under these conditions. In particular, there is a change in the bill requested by the Las Vegas Convention and Visitors Authority to allow for liquor sale at events other than sporting events at convention facilities.

CHIEF DEPUTY CITY ATTORNEY STEED pointed out that at the last Recommending Committee meeting staff verbally reviewed some proposed changes that would be brought back. They are included in the Proposed First Amendment. It is in order.

LUKE PUSCHNIG, Legal Counsel; CHARLIE LOVERING, VEL JONES, and CHRISTINE KENDZORA of the Las Vegas Convention and Visitors Authority were present. MR. PUSCHNIG indicated that the original proposal would have substantially limited the use of alcohol at Cashman, including during baseball games, requiring that beer be bought and consumed only at a beer garden. That issue was resolved, but unfortunately a resolution has not been reached with the issue of liquor distribution in Cashman Center, especially during the convention trade shows and public events. JIM DiFIORE of Business Services modified some of the language in this bill, but that language puts an unjustified burden back on the shows and Cashman to prove that they do not have a problem, versus requesting permission and forced to have a beer garden.

MR. PUSCHNIG submitted a letter, which is made a part of these minutes, addressed to MR. DiFIORE with proposed modified language. Under the current language, the director of Finance and Business Services would have to waive the requirement for a beer garden in every single event at Cashman Field. His proposed modified language requires a beer garden if the director determines there is a concern, as well as the Las Vegas Metropolitan Police Department (Metro). He felt that his proposed language is fair and addresses any potential concern with a beer garden. He assured the Committee members that the Cashman Field administrators are very careful and make sure that all the rules are followed when it comes to serving liquor.

MR. LOVERING agreed with MR. PUSCHNIG that there are a lot of trade shows, and to require the City's proposed exemptions would make matters very complex. Perhaps events that go past midnight should be more restricted, but the traditional trade shows should not.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 1 – Bill No. 2002-145

MINUTES – Continued:

MR. VINCENT indicated that in reviewing both of languages, he believes that they are very similar. CHIEF DEPUTY CITY ATTORNEY STEED pointed out that the language contained in the Proposed First Amendment is based upon the director having to know about the event. Under MR. PUSCHNIG's proposed language, he is not sure that there is any obligation for Metro to bring that information to the director. MR. PUSCHNIG advised that all vendors at a trade show are required to obtain a business license. The difference in the languages is that the Proposed First Amendment requires a beer garden, unless the City permits otherwise. That means that about 400 applicants a year must obtain a waiver for a beer garden. If that requirement is eliminated, provisions could be made to require a beer garden in case the City or Metro foresees a problem. COUNCILMAN WEEKLY questioned if Business Services would still be made aware of every event. MR. VINCENT interjected that Business Services would be aware of every event anyway because the vendors have to pull business licenses. CHIEF DEPUTY CITY ATTORNEY STEED mentioned that as long as staff can match the dates with the event, they would be fine.

MR. VINCENT asked how many of the approximate 400 events are mixed adult and children. MS. JONES answered that except for a few Latin dances, the majority are mixed. However, Cashman administration regulates itself and requires beer gardens at such events to avoid any problems. MR. PUSCHNIG commented that that provision was put in place because Metro expressed a concern.

MR. VINCENT indicated that he does not have any concerns with MR. PUSCHNIG's proposed language. CHIEF DEPUTY CITY ATTORNEY STEED concurred with MR. VINCENT, adding that changes can be made in the future, if necessary.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:08 – 4:22)

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 _____
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Jamy G. Bettis 12-10-02
16 _____
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

1 **FIRST AMENDMENT**

2 **BILL NO. 2002-145**

3 **ORDINANCE NO. _____**

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

6 Proposed by: Mark Vincent, Director Summary: Repeals and replaces LVMC Chapter
7 Department of Finance and Business Services 6.50, relating to liquor control, and revises
related zoning provisions.

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

10 SECTION 1: Title 6, of the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, is hereby amended by adding thereto a new Chapter, to be designated as Chapter 50, to consist
12 of the provisions set forth as Sections 2 to 65, inclusive, of this Ordinance.

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

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

28 "Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid

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

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

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

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

11 (B) Outdoor gardens or reception facilities.

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

14 “Commercial center” means a concentration of retail stores that:

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

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

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

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

20 “Convenience store” means a retail establishment other than a drugstore, which:

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

24 (B) Contains not less than one thousand-two hundred square feet, nor more than
25 five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and
26 office areas.

27 “Convention facility” means a structure which has at least 100,000 square feet of floor space
28 utilized for scheduling, hosting or accommodating a convention, trade show or temporary event,

1 whether the activity is open or closed to the general public. For purposes of this Chapter, the term
2 includes a stadium facility that is operated in conjunction with a convention facility

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

6 "Downtown entertainment overlay district" means that area of the City bounded by Ogden
7 Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street
8 on the east.

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

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

20 "Gift basket" means a receptacle or container that may be filled with food items or novelty
21 items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces
22 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
23 not greater than seven hundred fifty milliliters measured in the metric system of weights and 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 "Liquor caterer" means a person who dispenses, serves or sells alcoholic beverages only for
5 consumption on the premises where the same are dispensed, served or sold during the times, dates and
6 places specified by permit.

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

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

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

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

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

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

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

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

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

26 "On-sale" means the sale of alcoholic beverages for consumption on the premises where the
27 same are sold.

28 "Restaurant" means a place which is regularly and in a bona fide manner used and kept open

1 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
2 therewith, containing conveniences for cooking an assortment of foods which may be required for
3 ordinary meals.

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

7 "Sale" means the act of selling and, in connection therewith, "sell" means, for compensation
8 or any other private or public business purpose at a commercial location, to sell, serve, give away, or
9 distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the
10 intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell,
11 serve, give away or distribute.

12 "Specialty merchandise store" means a retail store located within a commercial center that:

13 (A) Has at least eighteen thousand square feet of gross floor area;

14 (B) Has at least eleven thousand five hundred square feet of floor space dedicated
15 to the sale and display of furniture, glassware, kitchenware and other household goods;

16 (C) Has at least three thousand six hundred square feet of floor space dedicated to
17 the sale and display of gourmet foods and nonalcoholic beverages; and

18 (D) Maintains an inventory of beer, wine and coolers with a wholesale value of at
19 least twenty-five thousand dollars.

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

23 "Wedding chapel" means a business establishment that is licensed to perform marriages in
24 accordance with State law.

25 "Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the
26 purposes of resale.

27 "Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the
28 natural contents of fruits or other agricultural products containing natural or added sugar, which

1 contains not more than twenty-two percent of alcohol by volume.

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

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

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

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

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

21 SECTION 9: (A) A brew pub/tavern license authorizes a licensee to:

22 (1) Manufacture and store malt beverages on the premises of the brew
23 pub/tavern and sell and transport the malt beverages manufactured on the premises to a person holding
24 a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant
25 to NRS Chapter 369;

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

28 (3) Sell at retail in packages sealed on the premises of the brew pub/tavern,

1 malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for
2 consumption off the premises.

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

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

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

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

13 (F) A tavern license issued prior to July 6, 1992, subject to the provisions of this
14 Section, may be reclassified as a brew pub/tavern license without having to pay the original license
15 fee for a brew pub/tavern license set forth in Section 37 of this Ordinance.

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

18 SECTION 10: A convention facility alcoholic beverage license authorizes the sale of
19 alcoholic beverages for consumption on the premises of a convention facility. The sale and
20 consumption of alcoholic beverages at any event must occur within a segregated and secured area
21 wherein only persons twenty-one years of age or older are permitted access unless:

22 (A) The event is a sporting event occurring within a stadium facility; or

23 (B) The Director, upon the recommendation of Metro, waives the requirement for
24 a particular event.

25 SECTION 11: (A) A gift basket limited license authorizes the sale of alcoholic
26 beverages in original sealed or corked containers in quantities not greater than 25.4 ounces
27 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
28 not greater than seven hundred fifty milliliters, measured in the metric system of weights and

1 measures, to be packaged in a gift basket along with other assorted food items or novelty items, or
2 both, which items have a minimum retail value of thirty-five dollars apart from the retail value of the
3 alcoholic beverages; provided, however:

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

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

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

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

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

17 SECTION 12: A gift shop limited license authorizes the sale, to consumers only and
18 not for resale, of alcoholic beverages, in original sealed or corked containers in quantities less than
19 one pint, measured in the English system of weights and measures, or in quantities less than three
20 hundred seventy-five milliliters, measured in the metric system of weights and measures, for
21 consumption off the premises where the same are sold, and may only be issued in connection with a
22 gift shop located within the physical structure of an establishment which also houses a nonrestricted
23 gaming licensee.

24 SECTION 13: A hotel lounge bar license authorizes the sale of alcoholic beverages for
25 consumption on the premises of a hotel lounge bar subject to the following conditions:

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

28 (B) Alcoholic beverages are served only at tables and booths located within the

1 hotel lounge bar area;

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

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

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

8 SECTION 14: A keg beer license authorizes only the sale of beer in keg containers
9 having a capacity of at least one-quarter barrel size, and only by delivery to the premises of the
10 purchaser.

11 SECTION 15: A liquor caterer license authorizes the sale of alcoholic beverages only
12 for consumption on the premises where the same are dispensed, served or sold during the times, dates
13 and places specified in a liquor caterer permit issued pursuant to this Title.

14 SECTION 16: A nonprofit club general license authorizes the sale of alcoholic
15 beverages only for consumption on the premises and only to bona fide members of the club who pay
16 dues to the club, and to their bona fide guests.

17 SECTION 17: (A) A nonprofit club restaurant service bar license authorizes the sale
18 of alcoholic beverages within a nonprofit club to members of the general public for consumption only
19 in connection with meals served at tables in a restaurant area of the nonprofit club where members of
20 the general public are invited to dine. A nonprofit club restaurant service bar license is available only
21 if:

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

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

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

28 (1) The barrier described in Paragraph (2) of Subsection (A) of this Section

1 must be maintained; and

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

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

8 SECTION 19: (A) A restaurant service bar license authorizes alcoholic beverages
9 to be sold from a restaurant service bar for consumption only in connection with meals served at tables
10 on the premises of the restaurant where the same are sold.

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

13 SECTION 20: A special event beer/wine license authorizes the sale only of beer, wine
14 and coolers only for consumption on the premises where the same are sold during the period and times
15 specified in the license, which shall be issued only once during any two-month period and for a time
16 not to exceed seven days.

17 SECTION 21: A special event general license authorizes the sale of alcoholic
18 beverages only for consumption on the premises where the same are sold during the period and times
19 specified in the license, which shall be issued only once during any two-month period and for a time
20 not to exceed seven days.

21 SECTION 22: (A) A supper club license authorizes the on-premises sale of
22 alcoholic beverages within the designated bar area of the supper club for consumption only in the bar
23 area or in connection with meals served at tables in the restaurant area of the supper club.

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

26 SECTION 23: (A) The seating area in the bar area of a supper club shall not exceed:

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

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

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

3 SECTION 24: (A) Food sales at a supper club shall not be less than fifty-five
4 percent of gross sales. For the purpose of this Section, "gross sales" means the total of all food sales,
5 nonalcoholic beverage sales, and alcoholic beverage sales. Alcoholic beverage sales shall include the
6 retail value of any complimentary beverages provided to customers of the licensee.

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

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

15 SECTION 26: (A) A tavern-limited license:

16 (1) Authorizes the sale of alcoholic beverages only for consumption on the
17 premises where the same are sold.

18 (2) May only be issued for premises located in the downtown entertainment
19 overlay district or in another entertainment district that may be established by this Chapter.

20 (3) Is not transferable, except to a location within the same entertainment
21 district and to an operator who has been approved by the City Council.

22 (B) A tavern-limited license, or the transfer of a license, may be conditioned upon
23 one or more of the following:

24 (1) The prior creation of an improvement district for a commercial area
25 vitalization project for the District, and a binding commitment of continued full participation by the
26 property owner (and any tenant or licensee) in the improvement district.

27 (2) Annual review for conformity to licensing standards and conditions.

28 (3) Submittal of a Business Security Plan, to be approved by the City, with

1 the review and recommendation of the Las Vegas Metropolitan Police Department.

2 (4) Submittal of a Sidewalk/Streetscape Maintenance Plan and Budget, to
3 be approved by the City.

4 (5) A requirement for live entertainment to be provided at least four nights
5 per week, including but not be limited to the following:

6 (a) Tavern with music entertainment venue, with live music (jazz,
7 blues, reggae, hip hop, rock'n'roll, etc.), including bar and cocktail service.

8 (b) Supper club/restaurant, serves full meals and light snacks, with
9 live music, with or without dancing, including bar and cocktail service.

10 (c) Dance hall/night club/discothèque, dancing with live music or
11 live disk jockey, including bar and cocktail service.

12 (d) Tavern with comedy entertainment venue, with live comedic
13 performers, including bar and cocktail service.

14 (e) Tavern with karaoke entertainment venue, with amateur guest
15 performers, including bar and cocktail service.

16 (f) Themed restaurant, with discernible and unique theme, style or
17 character, serves full meals and light snacks, including bar and cocktail service.

18 (g) Themed night club, with discernible and unique theme, style or
19 character, dancing with live music or live disk jockey, including bar and cocktail service.

20 (h) Themed tavern, with a discernible and unique theme, style or
21 character, including bar and cocktail service.

22 (i) Other live entertainment venues, to be determined by the City
23 Council for acceptability and conformity to the goals and objectives of the District.

24 (6) Such other conditions as may be recommended by City staff and
25 imposed by the City Council.

26 (C) Upon receipt of an application for a tavern-limited license, the Department shall
27 forward a copy of the application to the City's Office of Business Development for review.

28 SECTION 27: A wholesale general license authorizes only the sale of alcoholic

1 beverages, which must be packaged in original sealed or corked containers, to any licensee for the
2 purposes of resale. In order to maintain this license, the licensee must keep on hand a stock of
3 alcoholic beverages whose cost of acquisition is fifty thousand dollars or more.

4 SECTION 28: (A) A wine/beer/cordial/liqueur tasting license authorizes the
5 offering of free samples of packaged wines, beers, cordials and liqueurs for tasting purposes.

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

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

9 (2) For educational purposes.

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

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

15 SECTION 29: No person shall engage in the business of selling alcoholic beverages,
16 advertise the same or permit the consumption of alcoholic beverages on the premises of any business
17 establishment without first obtaining and thereafter maintaining a valid unexpired alcoholic beverage
18 license pursuant to this Code.

19 SECTION 30: A license issued pursuant to this Chapter authorizes the person to whom
20 it is issued to exercise only those privileges expressly permitted pursuant to this Chapter for the
21 specific classification of license issued and only on the premises identified in the license.

22 SECTION 31: The licensee must commence operation of the business within thirty
23 days after the license has been issued. Thereafter, all semiannual license fees must be paid
24 notwithstanding the fact that the licensee may temporarily discontinue its operation of the business.

25 SECTION 32: A person licensed for the off-sale or on-off-sale of alcoholic beverages
26 shall post a sign at the sale counter and at the entrance to the premises advising to the effect that,
27 pursuant to LVMC 10.76.010, it is unlawful for a person to drink an alcoholic beverage or to possess
28 an open container of alcoholic beverage which was purchased in an original sealed or corked

1 container:

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

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

6 SECTION 33: The privileges permitted and duties required under any license issued
7 pursuant to this Chapter are not divisible and any transfer of a license or an interest therein must
8 include the transfer of all of the privileges permitted and duties required under such license or interest
9 therein, as the case may be.

10 SECTION 34: Any establishment which, on November 1, 1980, held a valid license
11 which was reclassified as a beer/wine/cooler on-sale license, a beer/wine/cooler off-sale license or a
12 beer/wine/cooler on-off-sale license, but the premises of which do not conform to the definitions for
13 those license classifications, shall be permitted to retain the license under the following provisions:

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

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

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

25 SECTION 35: No alcoholic beverage license shall be issued by the Department to a
26 location which requires a special use permit pursuant to the provisions of LVMC Title 19 unless such
27 location is first approved for a special use permit pursuant to the procedures provided for in LVMC
28 Title 19.

1 SECTION 36: Applicants for a permit to provide liquor catering services shall comply
2 with the following provisions:

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

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

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

- 13 (1) Name and address of the applicant;
14 (2) Date, hours, address and description of the event;
15 (3) Approximate number and ages of persons to be in attendance;
16 (4) Type of alcoholic beverages to be served; and
17 (5) The names of the sponsors and promoters of the event.

18 (D) Each event requires a separate permit.

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

21 SECTION 37: Each licensee shall pay to the Department the license fees set forth in
22 the following schedule:

		Semiannual	Original New
23			
24	(A) Banquet facility	\$500	\$20,000
25	(B) Beer/wine/cooler art event on-sale	300	1,000
26	(C) Beer/wine/cooler on-sale	300	1,000
27	(D) Beer/wine/cooler off-sale	300	1,000
28	(E) Beer/wine/cooler on-off-sale	600	2,000
	(F) Brew/pub/tavern	1,200	60,000

1	(G)	Convention facility	1,200	60,000
2	(H)	Gift basket limited	300	1,000
3	(I)	Gift shop limited	500	2,500
4	(J)	Hotel lounge bar	1,200	60,000
5	(K)	Keg beer	500	2,500
6	(L)	Liquor caterer	500	2,500
7	(M)	Nonprofit club general	200	1,000
8	(N)	Nonprofit club restaurant service bar	100	500
9	(O)	Package	750	20,000
10	(P)	Restaurant service bar	600	30,000
11	(Q)	Supper club	800	40,000
12	(R)	Tavern	1,200	60,000
13		Plus: fee for each additional bar	900	
14	(S)	Tavern-limited	800	20,000
15	(T)	Wholesale general	1,000	5,000
16	(U)	Wine, beer, cordial, liqueur tasting	600	2,000

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

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

19 SECTION 38: (A) Each semiannual fee is due in advance on April 1st and October
20 1st in each year except that the applicant for a new alcoholic beverage license who starts business
21 between April 1st and October 1st or between October 1st and April 1st shall have its semiannual fees
22 prorated on a monthly basis.

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

1 SECTION 39: (A) The original new license fee is a one time fee which is due and
2 payable at the time of filing an application for an alcoholic beverage license.

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

5 (C) In connection with the issuance of an original new City alcoholic beverage
6 license to an existing County alcoholic beverage licensee whose business premises have been annexed
7 into the City, the Department shall waive the original new license fee requirement of Subsection (A)
8 of this Section at the request of the applicant. However, a license concerning which such a waiver has
9 been granted may not be sold or transferred to a third party, notwithstanding any provision of this Title
10 to the contrary.

11 SECTION 40: Any licensee who desires permanently to discontinue its operation of
12 the business and to sell its license may notify the Department of its desire to sell such license, and the
13 Department shall maintain a list of such licensees and make it available to any person who is
14 interested in obtaining a license.

15 SECTION 41: (A) No person, other than the person who holds the license, may
16 operate any business, trade or profession in the licensed premises; provided, however, that this
17 prohibition does not apply to slot operators, retail tobacco vendors or entertainers, to the extent any
18 of them are properly licensed, or to any business, trade or profession which leases a separate and
19 defined area within the licensed premises and which obtains prior approval from the Department to
20 do so.

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

27 SECTION 42: It is the duty of the licensee and any principal thereof to ensure that a
28 person who is at least twenty-one years of age, who is either an owner or employee of the licensee and

1 who has a valid work card and alcohol awareness card in his possession, is present on the premises
2 during all times that the premises are open for business.

3 SECTION 43: The Department shall have jurisdiction to investigate and enforce the
4 provisions of this Chapter. The Department shall have all powers which may be necessary or
5 appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to, the
6 power to enter and inspect the licensed premises at any time during the business hours of the licensee,
7 and the Department shall have the power to examine all books and records of the licensee and any
8 principal thereof. The Department is authorized to request information from a licensee, any principal
9 thereof, or a license applicant at any time in furtherance of the exercise of its jurisdiction.

10 SECTION 44: (A) Whenever an "off-sale" of alcoholic beverages is made, the
11 alcoholic beverages, except beer, wine and coolers, must only be displayed for sale in an area of the
12 licensed premises in which such alcoholic beverages are not accessible by persons under the age of
13 twenty-one years. This area must be kept under the exclusive control of a person who is at least
14 twenty-one years of age. When self-service of alcoholic beverages, except beer, wine and coolers, is
15 provided, the area in which the alcoholic beverages are displayed must be posted at each entrance
16 thereto with a sign measuring no less than 8 ½ inches by 11 inches stating NO ONE UNDER 21
17 YEARS OF AGE ALLOWED BEYOND THIS POINT; provided, however, that alcoholic beverages
18 in quantities of not less than seven hundred fifty milliliters may be displayed for certain special
19 holidays or holiday season promotions, as specifically enumerated herein below, in grocery stores
20 having at least twenty five thousand square feet of area open to the public in unrestricted areas limited
21 to the end sections of shopping aisles facing the front of the grocery store where such displays are
22 visible to employees of the licensee who are at least twenty-one years of age. The employees and
23 management personnel of such grocery stores shall have completed an alcoholic awareness training
24 program approved by the Director. Such alcoholic beverages may be selected by the customer and
25 purchased at a common check-out stand at which nonalcoholic beverages may be purchased. No self-
26 service shall be permitted in original sealed or corked containers in quantities less than one pint,
27 measured in the English system of weights and measures, or in quantities less than three hundred
28 seventy-five milliliters, measured in the metric system of weights and measures.

1 (B) Special Holiday Promotions. The display of alcoholic beverages for special
2 holidays listed in this Subsection shall not begin before twelve midnight three days before the specific
3 holiday, and shall be removed before twelve noon the day following the specific holiday. For
4 purposes of this Section "special holiday promotions" is limited to the following events or holidays:

5 Super Bowl

6 St. Patrick's Day

7 Independence Day

8 On Memorial Day and Labor Day only, where the holiday in question is a national holiday celebrated
9 on a Monday, the display of alcoholic beverages for such holiday promotions shall not begin before
10 12 midnight three days before the specific Monday holiday, and shall be removed before twelve noon
11 the day following the holiday.

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

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

18 SECTION 45: It is unlawful for any of the following to be employed in the retail sales
19 of alcoholic beverages for on or off premises consumption without having in his or her possession a
20 valid work card for alcoholic beverages pursuant to LVMC Chapter 6.86:

21 (A) A manager;

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

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

26 SECTION 46: It is unlawful for any person to sell any alcoholic beverage:

27 (A) Without a valid unexpired license issued pursuant to this Chapter; provided,
28 however, that this prohibition does not apply to employees of persons licensed pursuant to this Chapter

1 during the course of such employment.

2 (B) To a person who is intoxicated.

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

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

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

9 (F) At any place where persons under twenty-one years of age are present, unless
10 they are continuously accompanied by a parent or legal guardian.

11 SECTION 47: (A) It is unlawful for any person licensed under this Code, or any
12 agent or employee of a licensee to sell alcoholic beverages to a minor.

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

19 SECTION 48: It is unlawful for any person to sell any alcoholic beverage in any glass
20 or metal container at any special event which is described in LVMC 6.78.045, as follows:

21 (A) Between the hours of 6:00 P.M. on December 31st and 6:00 A.M. on January
22 1st of each year.

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

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

27 SECTION 49: It is unlawful for any person who is intoxicated to sell any alcoholic
28 beverage.

1 SECTION 50: It is unlawful for any person to employ a person under the age of twenty-
2 one years to sell or handle alcoholic beverages, or to allow a person under the age of twenty-one years
3 to sell or handle alcoholic beverages at such person's place of business; provided, however, that a
4 person who is at least sixteen years of age may handle beer, wine and coolers only, in original sealed
5 or corked containers, while they are employed in a grocery store, convenience store or specialty
6 merchandise store which exercises the privileges of a beer/wine/cooler off-sale or package license and
7 only when they are actually being supervised by another person who is at least twenty-one years of age
8 and who himself is an owner or employee of the licensee.

9 SECTION 51: It is unlawful for any person to encumber any license by means of a
10 lease, pledge, mortgage, deed of trust, security interest or other manner of alienation; provided,
11 however, that this prohibition shall not apply to a transfer or encumbrance of a person's interest in the
12 licensee pursuant to the prior approval of the City Council, if such approval is otherwise required by
13 this Chapter.

14 SECTION 52: (A) It is unlawful for any person, while acting as an employee,
15 waiter, waitress, performer or entertainer in any live act, play, demonstration or exhibition or while
16 serving food or drink to any customer, to do any of the following acts on the premises where alcoholic
17 beverages are licensed to be sold:

18 (1) Expose his or her genitals, pubic hair, perineum, anal region or pubic
19 hair region; or

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

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

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

1 SECTION 53: (A) Beginning April 1, 1992, except as is otherwise provided in
2 Subsection (B) of this Section, no person may be employed by a licensee or any principal thereof to
3 serve, sell, distribute alcoholic beverages, or perform security guard functions unless such person has
4 successfully completed a comprehensive alcohol awareness training course of not less than four hours
5 in duration and has completed an alcohol awareness training refresher course not less than two hours
6 in duration every five years from the date of their most recent course certification.

7 (B) With respect to a special event that is licensed pursuant to Sections 20 or 21
8 of this Ordinance, only the responsible licensee thereof needs successfully to complete such alcohol
9 awareness training course, or such licensee may, in lieu thereof, substitute a successfully completed
10 alcohol awareness certification examination that is administered by Metro. The requirement of
11 successfully completing such examination or training course shall not apply to holders of wholesale
12 general licenses.

13 (C) Beginning October 1, 2003, licensees and principals of an alcoholic beverage
14 establishment must obtain and thereafter maintain a current alcohol awareness certificate in their
15 possession.

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

19 SECTION 54: Each applicant shall submit with the application the name of a manager
20 who is certified for alcohol awareness as provided by Section 53 of this Ordinance.

21 SECTION 55: The subject matter of the test and the courses described in Section 53
22 of this Ordinance must include at least the following:

- 23 (A) The clinical effects of alcohol on the human body;
- 24 (B) Methods of identifying intoxicated persons;
- 25 (C) The liquor laws of the State and the City;
- 26 (D) Methods of preventing fights and disruptions of the peace; and
- 27 (E) Methods of preventing minors from entering taverns, bars and package liquor
28 stores, and preventing minors from purchasing and drinking alcoholic beverages.

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

2 SECTION 56: All persons teaching or offering an alcohol awareness training course
3 are subject to the following requirements:

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

8 (B) The competency of all persons teaching or offering the training courses of
9 Subsection (A) must be initially certified by Metro and recertified by Metro every two years from the
10 date of their most recent certification.

11 (C) Metro is authorized to monitor such courses and to administer to course
12 participants on a random basis the test described in Section 53 of this Ordinance.

13 If representatives of Metro administer that test to a group of course participants and fewer than
14 seventy-five percent of the groups pass the test, the person having final organizational authority for
15 that course will be deemed to be certified on a probationary basis. If representatives of Metro
16 subsequently administer the test to another group of course participants organized by the same person
17 and fewer than seventy-five percent of that group pass the test, that person's certification will be
18 deemed revoked.

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

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

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

1 such material.

2 SECTION 57: All persons offering an alcohol awareness training refresher course are
3 subject to the following requirements:

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

- 6 (1) The clinical effects of alcohol on the human body;
7 (2) Methods of identifying intoxicated persons;
8 (3) The liquor laws of the State and the City; and
9 (4) Methods of restraining entry of minors into taverns and package liquor
10 stores and preventing sales to and drinking of alcoholic liquor by minors.

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

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

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

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

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

28 (G) All persons certified to offer an alcohol awareness training refresher course

1 have a duty to inform Metro of any substantive change in the certified course material or method of
2 presenting such material.

3 SECTION 58: The completion card or a copy thereof issued by the instructor of an
4 alcohol awareness training course or refresher course to a person successfully completing the course
5 must be available during the work shift on the premises where the person, as an employee, is serving,
6 selling or distributing alcoholic beverages for inspection by Metro, City or other governmental
7 personnel.

8 SECTION 59: Licenses of all licensees other than hotels licensed for nonrestricted
9 gaming which do not comply with the requirements of alcohol awareness certification are
10 automatically suspended until compliance is shown.

11 SECTION 60: (A) Any instructor certification issued pursuant to the provisions of
12 this Section may be suspended or revoked (not to exceed two years) by the City Council, with or
13 without the recommendation of Metro, after notice and hearing, if it is determined that the instructor
14 has:

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

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

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

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

27 (B) Any alcohol awareness training program or refresher program certification
28 issued pursuant to the provisions of this Chapter may be suspended or revoked (not to exceed two

1 years) by the City Council, with or without the recommendation of Metro, after notice and hearing,
2 if it is determined that the certified training or refresher program:

- 3 (1) Fails to timely supply the list of all persons completing each course;
- 4 (2) Fails to provide the required wallet-size certification card with required
5 information within seven days of course completion excluding holidays and weekends;
- 6 (3) Allows the liquor server awareness training program or refresher
7 program to be taught in a manner that is different from the program certified under this Chapter; or
- 8 (4) Operates the training program or refresher program in a manner that fails
9 to instruct the participants in the minimum requirements set out within this Chapter; or for any cause
10 deemed reasonable.

11 (C) The Sheriff of Metro or his designee may, upon good cause, suspend or revoke
12 the certification of the instructor or program upon ten days notice to any person or program
13 committing any act which is grounds for suspension or revocation of certification. Such suspension
14 or revocation notice shall contain information regarding the right to appeal such suspension or
15 revocation of certification as is provided in Section 61 of this Ordinance.

16 SECTION 61: Any person whose certification to offer or instruct an alcohol awareness
17 training course or refresher course has been suspended or revoked pursuant to Subsection (C) of
18 Section 60 of this Ordinance, may appeal such suspension or revocation to the City Council by filing
19 written notice of appeal with the City Clerk. The City Council shall hear the appeal at the next
20 regularly scheduled meeting following the expiration of ten days after the person files a notice of
21 appeal.

22 SECTION 62: If a disciplinary action involving a violation of this Chapter is filed, the
23 City Council, may, in addition to any other sanctions, limitations, restrictions or conditions other than
24 revocation, require that within thirty days of the final decision of the City Council, every manager and
25 employee of the licensee involved in selling or serving alcoholic beverages or providing security on
26 the licensed premises:

- 27 (A) Successfully complete the test administered by Metro; or
- 28 (B) Complete the training course described in Section 53 of this Ordinance.

1 SECTION 63: Metro shall establish fees, based on its expenses, for administering the
2 tests, and certifying the competency of the courses and course instructors.

3 SECTION 64: All licensees must indicate on the list required by LVMC 6.86.180
4 which employees have successfully completed either the course, refresher course, or the test provided
5 for in Section 53 of this Ordinance, and the date of completion.

6 SECTION 65: (A) It is unlawful for any person required to be certified for alcohol
7 awareness pursuant to this Chapter to be employed by a licensee under this Chapter (or by any
8 principal of the licensee) unless the person is so certified.

9 (B) It is unlawful for any licensee under this Chapter (or any principal of the
10 licensee) to employ a person required to be certified for alcohol awareness pursuant to this Chapter
11 knowing that such person is not so certified.

12 SECTION 66: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby repealed.

14 SECTION 67: Section 66 of this Ordinance shall become effective as of 12:01 A.M.
15 the day after publication of this Ordinance by title.

16 SECTION 68: Sections 1 through 65, inclusive, of this Ordinance shall become
17 effective as of 12:02 A.M. the day after publication of this Ordinance by title.

18 SECTION 69: Title 19, Chapter 00, Section 60, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Subsection (L) to read as follows:

20 (L) Limitations on City Action. The issuance or granting of a building permit or
21 approval of plans or specifications under the authority of the Building Code shall not be construed to
22 be a permit for, or an approval of, any violation of any provisions of this Title or any amendments
23 thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a
24 City officer or employee which purports, or could be interpreted, to authorize the violation or
25 cancellation of any of the provisions of this Title shall limit the City's authority to enforce the
26 provisions of this Title or any other provision of the Municipal Code. No permit or other approval
27 issued under the provisions of this Title shall constitute or imply approval of any business license or
28 permit required by any provision of the Municipal Code. Any permit, license or other approval which

1 is issued in conflict with this Title is voidable by order of the City.

2 SECTION 70: Title 19, Chapter 4, Section 10, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to add a use to Table 2 of the Land Use Tables
4 as follows:

5 Table 2 of the Land Use Tables is amended to add to the "Recreational, Entertainment and
6 Amusement" element the use "Social Event with Alcoholic Beverage Sales." In order to reflect the
7 amendment, the letter "S" is to appear in the boxes that represent the intersection of the new row for
8 the use "Social Event with Alcoholic Beverage Sales" with the columns for the P-R, N-S, O, C-D, C-
9 1, C-2, C-PB, C-M and M Zoning Districts.

10 SECTION 71: Title 19, Chapter 4, Section 10, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to add a use to Table 2 of the Land Use Tables
12 as follows:

13 Table 2 of the Land Use Tables is amended to add to the "Retail & Personal Services" element the use
14 "Tavern-Limited Establishment." In order to reflect the amendment, the letter "S" is to appear in the
15 boxes that represent the intersection of the new row for the use "Tavern-Limited Establishment" with
16 the columns for the C-1, C-2, C-PB, C-M and M Zoning Districts.

17 SECTION 72: Title 19, Chapter 4, Section 50, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, at the subdivision captioned "Liquor Establishment (Off-Premise
19 Consumption)" is hereby amended to read as follows, with the bolded brackets representing deleted
20 matter and the non-bolded brackets surrounding the zoning districts representing the brackets normally
21 used to enclose the applicable districts:

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

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

27 (*1) [No beer/wine/cooler on-sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale,
28 package, wholesale general use shall be located within four hundred feet of any church, synagogue,

1 school, child care facility licensed for more than twelve children or City park.] Except as otherwise
2 provided in this Chapter, no liquor establishment (on-sale/off-sale/on-off-sale) use (hereinafter “liquor
3 establishment”) shall be located within four hundred feet of any church, synagogue, school, child care
4 facility licensed for more than twelve children, or City park.

5 (*2) Except as otherwise provided in Subsection (3) below, the distances referred to in
6 Subsection 1 shall be determined with reference to the shortest distance between two property lines,
7 one being the property line of the proposed liquor establishment [(off-premise consumption)] which
8 is closest to the existing use to which the measurement pertains, and the other being the property line
9 of that existing use which is closest to the proposed liquor establishment [(off-premise consumption)].
10 The distance shall be measured in a straight line without regard to intervening obstacles. For purposes
11 of measurement, the term “property line” refers to property lines of fee interest parcels and does not
12 include the property line of:

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

16 (*3) In the case of a liquor establishment [(off-premise consumption)] proposed to be
17 located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection 1
18 shall be measured in a straight line:

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

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

26 (4) When considering a Special Use Permit application for a liquor establishment [for off-
27 premise consumption] which also requires a waiver of the distance limitation in Subsection (1), the
28 Planning Commission shall take into consideration the distance policy and shall, as part of its

1 recommendation to the City Council, state whether the distance requirement should be waived and
2 the reasons in support of the decision.

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

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

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

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

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

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

16 (b) In accordance with the applicable provisions of the "Town Center Development
17 Standards Manual" for any liquor establishment [for off-premise consumption] which is proposed to
18 be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street
19 Mixed Use) in the Town Center Land Use Plan;

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

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

28 SECTION 73: Title 19, Chapter 4, Section 50, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subsection, to be
2 designated as Subsection (C), to read as follows:

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

8 SECTION 74: Title 19, Chapter 18, Section 60, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended so that Subsection (P) reads as follows:

10 (P) Termination.

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

14 (2) A Special Use Permit which does not require the construction of a new building in
15 order to be exercised, and which is not exercised within one year after approval shall be
16 void, unless the City Council grants an extension of time upon a showing of good cause.

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

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

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

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

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

28 (5) For purposes of this Subsection (P), a Special Use Permit is exercised upon approval

1 of a business license to conduct the activity, if one is required, or, otherwise, upon the issuance of a
2 certificate of occupancy or approval of a final inspection.

3 SECTION 75: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Liquor
5 Establishment (Off-Premise Consumption)” to read as follows:

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

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

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

14 (C) Sells alcoholic beverages under the provisions set forth in both Paragraphs (A)
15 and (B) of this definition.

16 SECTION 76: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
18 the following terms and their corresponding definitions:

19 “Convention Facility” means a structure which has at least 100,000 square feet of floor space
20 utilized for scheduling, hosting or accommodating a convention, trade show or temporary event
21 whether the activity is open or closed to the general public. For purposes of this Title, the term
22 includes a stadium facility that is operated in conjunction with a convention facility.

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

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

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

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

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

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

15 "Nonprofit Club General" means any nonprofit corporation, association or organization which
16 has been in continual existence for at least two years and:

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

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

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

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

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

26 "Social Event With Alcoholic Beverage Sales" means the sale of alcoholic beverages for
27 consumption only on the premises where the same are sold in connection with weddings, school
28 graduations, employer and employee events, recognition ceremonies, awards ceremonies, family

1 gatherings, fund-raising events, club and organization events or other similar events which occur six
2 times or more per month at a facility not licensed for the sale of alcoholic beverages.

3 SECTION 77: For purposes of Section 2.100(3) of the City Charter, LVMC 19.00.060,
4 19.04.010, 19.04.050, 19.18.060 and 19.20.020 are deemed to be subchapters rather than sections.

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

13 SECTION 79: Whenever in this ordinance any act is prohibited or is made or declared
14 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
15 required or the failure to do any act is made or declared to be unlawful or an offense or a
16 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
17 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
18 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
19 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

20 SECTION 80: All ordinances or parts of ordinances or sections, subsections, phrases,

21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

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 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

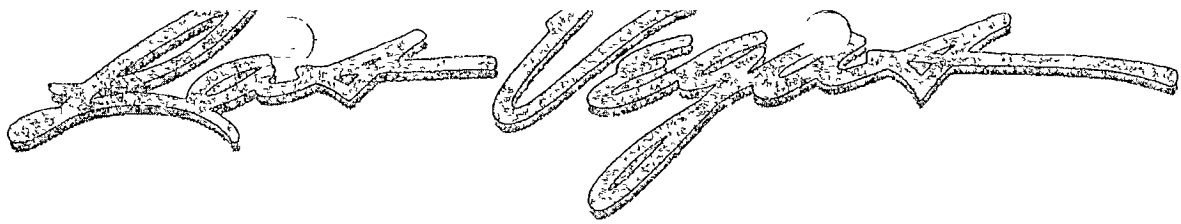
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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk



LUKE PUSCHMIG
Legal Counsel

May 30, 2003

VIA FACSIMILE (382-6642)
AND FIRST CLASS MAIL

Mr. Jim DiFiore
Business Services Manager
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Re: Bill 2002-145

Dear Mr. DiFiore:

The purpose of this letter is to provide to you some additional revised language which can provide a basis for modification to the above referenced bill. I have been unsuccessful in talking to you about this bill and the modifications proposed by you. I have redrafted the section and propose the below compromise.

It is my understanding from Assistant City Attorney, Vel Steed, Esq. that the language in your most recent draft is not related to any legal problem but the concern that you have about certain events at Cashman Center. I would respectfully request that Section 10 be modified to read as follows:

“SECTION 10:

A convention facility alcoholic beverage license authorizes the sale of alcoholic beverages for consumption on the premises of a convention facility and any sports facility related thereto if, at any event at which alcoholic beverages are sold, the following condition is satisfied:

- (1) If requested by the Director and the Las Vegas Metropolitan Police Department on an event by event basis, the licensee shall require alcoholic beverages only be sold and consumed in a segregated and secured area wherein only persons twenty-one (21) years of age or older are permitted to enter.
- (2) The condition set forth in subsection (1) does not apply to sporting events held at the convention facility or any sports facility related thereto.”

This language achieves what you wanted, some type of control over potential events that may need the "beer garden" but also exempts from oversight the standard or normal events at Cashman.

I would respectfully request that you contact me about the above referenced language so that we can discuss the same as soon as possible. Thank you for your time and efforts on our behalf. My direct line number is 892-7506 or fax number 892-7512.

Sincerely,



Luke Puschnig, Esq.

c: Manuel J. Cortez
Rossi T. Ralenkotter
Tom Smith
Vel Jones
Mark Haley
Charlie Lovering
David Buckman

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT **DISCUSSION**

SUBJECT:

NEW BILL:

ABEYANCE ITEM - Bill No. 2003-49 – Exempts the buying, selling or trading of used CD's, DVD's, video games, videotapes, cassettes or sound recordings from the secondhand dealer business licensing requirements. Proposed by: Mark Vincent, Director of Finance and Business Services

Fiscal Impact

<input checked="" type="checkbox"/> No Impact	Amount:
<input type="checkbox"/> Budget Funds Available	Dept./Division:
<input type="checkbox"/> Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Currently persons buying, selling or trading used CD's, DVD's, video games, videotapes, cassettes or sound recordings are required to have secondhand dealer licenses. This bill will exempt such activity from this licensing requirement.

RECOMMENDATION:

ABEYANCE to the 6/2/2003 Recommending Committee meeting pursuant to the 5/19/2003 Recommending Committee.

First Reading – 5/7/2003; First Publication – N/A

BACKUP DOCUMENTATION:

Bill No. 2003-49

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2003-49 be forwarded to the Full Council without a recommendation. COUNCILMAN MACK abstained because of his consulting relationship with his brother, STEVEN MACK, owner of SuperPawn shops, to whom he sold his pawnshop.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MARK VINCENT, Director of Finance and Business Services, stated that his staff met with ATTORNEY EDWARD LUBBERS, who appeared representing Gamestock, and they have resolved that the language will stay as submitted. ATTORNEY LUBBERS agreed with MR. VINCENT, noting that exempting certain equipment might create problems. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 2 – Bill No. 2003-49

MINUTES – Continued:

COUNCILMAN WEEKLY confirmed with Finance and Business Services staff that none of the other Councilmembers have concerns with this bill.

AL GALLEGO, citizen of Las Vegas, requested the definition of a secondhand dealer, because he does not believe that the second dealer definition addresses vendors at swap meets, where counterfeit items are being sold.

COLLEEN IRVINE, Supervisor, Pawn Detail, Las Vegas Metropolitan Police Department (Metro), was satisfied with the ordinance changes. An agreement will have to be reached as to the items that will have to be reported to Metro. As far as MR. GALLEGO's concern, she indicated that Metro has no control over people who are not licensed. MARK VINCENT, Director, Finance and Business Services, interjected that it was more of an enforcement issue. MR. GALLEGO insisted that the City should monitor the swap meets and enforce the laws.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22 – 4:28)

1-445

1 **BILL NO. 2003-49**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO ADD AN EXCEPTION TO THE SECONDHAND DEALER BUSINESS**
4 **LICENSE REQUIREMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

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

Summary: Exempts the buying, selling or
trading of used CD's, DVD'S, video games,
videotapes, cassettes or sound recordings from
the secondhand dealer business licensing
requirements.

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

9 **SECTION 1: Title 6, Chapter 74, Section 040, of the Municipal Code of the City of**
10 **Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:**

11 **6.74.040: This Chapter does not apply to:**

12 (A) Dealers of used vehicles as to those activities permitted by a license issued by
13 the State Department of Motor Vehicles pursuant to NRS 482.322 but not as to those activities
14 referred to in Section 6.74.060;

15 (B) The buying, selling or trading by a licensed business of used articles which
16 were acquired as a trade-in or a credit upon the purchase of a new article of the same kind on a
17 one-for-one basis;

18 (C) The taking in pawn or the selling of unredeemed personal property by a licensed
19 pawnbroker pursuant to Chapter 6.60;

20 (D) The buying, selling or trading of used books, newspapers and periodicals;

21 (E) The buying, selling or trading of used video games, videotapes, cassettes,
22 digital video discs (DVD's), compact discs (CD's) or sound recordings;

23 [(E)] (F) The buying, selling or trading of coins which are not a part of any jewelry;

24 [(F)] (G) A convention or trade show not exceeding fourteen days in length, provided
25 that convention or trade show exhibitors do not purchase secondhand or used personal property at the
26 convention or trade show; or

27 [(G)] (H) A person selling used or personal property under the umbrella of another
28 licensee's gift and novelty or Class IV secondhand dealer license, provided the sales are made at the

1 main business premises of the gift and novelty or Class IV secondhand dealer licensee and the person
2 does not purchase used or personal property at the main business premises of the licensee.

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

11 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
13 required or the failure to do any act is made or declared to be unlawful or an offense or a
14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

18 SECTION 4: All ordinances or parts of ordinances or 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 By _____
6 OSCAR B. GOODMAN, Mayor

7 ATTEST:

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9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Jamy C. Bettis 4-23-03
12 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: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-51 – Adjusts the on-site parking requirements for barber shops and beauty parlors. 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:

Current on-site parking requirements for barber shops and beauty parlors are based upon the number of chairs or stations. As applied to uses located in shopping centers, the parking requirements exceed what normally is necessary. This bill will adjust the requirement in shopping centers with more than 25,000 square feet, basing the parking requirement on the square footage of the barber shop or beauty parlor.

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. 2003-51

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-51 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, stated that in the last six months several applications for parking variances in shopping centers have been submitted, because of the requirements for barbershops and beauty parlors of three spaces per chair. Staff has reviewed that section of the code and has come up with a plan that would allow the City to impose that requirement if the proposed barbershop or beauty salon is a standalone facility. In the case of a shopping center with more than 25,000 square feet, staff is recommending one space for 200 square feet of gross floor area, which would considerably reduce the requirement and allow for parking. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 3 – Bill No. 2003-51

MINUTES – Continued:

COUNCILMAN WEEKLY asked how many parking spaces would be required of a barbershop with six chairs. MR. GENZER answered that it depends on the square footage. COUNCILMAN WEEKLY indicated that there was a case where the applicant did not meet the parking code because it was based on the amount of chairs in his barbershop. MR. GENZER noted that this amendment would resolve that type of situation.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:28 – 4:30)

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BILL NO. 2003-51

ORDINANCE NO. _____

AN ORDINANCE TO ADJUST THE ON-SITE PARKING REQUIREMENTS FOR BARBER SHOPS AND BEAUTY PARLORS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of Planning and Development Summary: Adjusts the on-site parking requirements for barber shops and beauty parlors.

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

SECTION 1: Table 1, as adopted in Section 19.10.010(F) of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the row pertaining to the category "Barber/Beauty Parlor," as found in the RETAIL, PERSONAL, COMMERCIAL & BUSINESS SERVICES, AND AUTO-RELATED element thereof, to read as follows:

Barber/Beauty Parlor	<u>For a use located in a shopping center with more than 25,000 square feet, one space for each 200 sf of gfa. At other locations, [Two] two spaces for each barber chair and three spaces for each beautician station.</u>
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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,
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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:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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APPROVED AS TO FORM:

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Val Steed 5-8-03
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:

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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: JUNE 2, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-52 – Establishes parameters for the keeping of carrier or racing pigeons within the City. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The keeping of pigeons is currently regulated by the City’s animal control regulations, and the number of pigeons that can be kept is limited to twenty-four. This bill will allow the keeping of a greater number of pigeons (up to 300) by means of special use permit in the U, R-A, R-E and R-D Zoning Districts if the pigeons qualify as carrier or racing pigeons.

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. 2003-52

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-52 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 explained that under the current City ordinance the keeping of poultry is a function of a certain distance from any neighboring dwelling, with consent and limited to twelve pairs of pigeons over the age of twelve months. The Mayor requested an ordinance that would allow in certain zones the ability to keep carrier or racing pigeons by special use permit. This proposal meets that request and defines carrier or racing pigeons as pigeons that are bred and kept for demonstration or racing, are registered with a national organization, and are identified by a stamp or a band. Up to 300 pigeons may be kept only through a special use permit.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 4 – Bill No. 2003-52

MINUTES – Continued:

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:30 – 4:33)

1-739

1 **BILL NO. 2003-52**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH PARAMETERS FOR THE KEEPING OF CARRIER OR
4 RACING PIGEONS WITHIN THE CITY, AND TO PROVIDE FOR OTHER RELATED
MATTERS.

5 Proposed by: Mayor Oscar B. Goodman

Summary: Establishes parameters for the
6 keeping of carrier or racing pigeons within the
City.

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

9 SECTION 1: Title 7, Chapter 38, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 25,
11 reading as follows:

12 **7.38.125:** "Carrier or racing pigeon" means a pigeon that is bred and kept for the purpose of
13 demonstration or racing, is registered with a national pigeon registry or organization, and is identified
14 as to ownership and registration by a stamp or a band.

15 SECTION 2: Title 7, Chapter 38, Section 50, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **7.38.050:** (A) Except as otherwise provided in Subsection (B), [It] it is unlawful for any
18 person to keep, or cause to be kept, on premises over which any such person may have control within
19 the City:

20 [(A)] (1) Any poultry within three hundred fifty feet of any dwelling of another
21 person unless such other person has filed with the Animal Control Officer a written, unrevoked
22 consent authorizing the keeping of such poultry within three hundred fifty feet of the dwelling. In the
23 case of pigeons, this distance shall be two hundred feet from any dwelling owned by another person
24 unless such other person has filed with the Animal Control Officer a written, unrevoked consent
25 authorizing the keeping of the pigeons within two hundred feet of the dwelling, in which case the
26 number of pigeons shall be limited to twelve pair over the age of twelve months;

27 [(B)] (2) Any crowing rooster;

28 [(C)] (3) Any poultry or birds that are not, at all times, confined within a suitable

1 outbuilding, coop, or enclosed runway[;] that is clean and free from offensive odors, animal wastes,
 2 rodents, flies, or any other offensive or unwholesome condition; or

3 [(D)] (4) Any poultry within any dwelling house, basement, sub-basement, or
 4 cellar[;].

5 (B) A person may keep up to a maximum of three hundred carrier or racing pigeons
 6 if the use is approved under, and complies with, the provisions of Title 19. The pigeons must be
 7 confined in accordance with Paragraph 3 of Subsection (A) of this Section except during limited
 8 periods necessary for exercise, training or competition.

9 [(E) Any poultry or birds that are not, at all times, kept in an outbuilding, coop or
 10 runway clean and free from offensive odors, animal wastes, rodents, flies, or any other offensive or
 11 unwholesome condition.]

12 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
 13 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
 14 allow the use “Keeping of Carrier or Racing Pigeons” in the U, R-A, R-E and R-D Zoning Districts
 15 by means of Special Use Permit. In order to reflect that amendment, the “Rural & Animal-Related”
 16 element of Table 2 is amended by adding thereto a new row pertaining to the use “Keeping of Carrier
 17 or Racing Pigeons,” reading as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RURAL & ANIMAL RELATED
<u> </u>	<u> </u>	<u> </u>	<u> </u>									Keeping of Carrier or Racing Pigeons

20 SECTION 4: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
 21 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto at the appropriate location the
 22 following term and its corresponding definition:

23 “Keeping of Carrier or Racing Pigeons” means the keeping of pigeons that are bred and kept for the
 24 purpose of demonstration or racing, are registered with a national pigeon registry or organization, and
 25 are identified as to ownership and registration by a stamp or a band.

26 SECTION 5: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
 27 and 19.20.020 are deemed to be subchapters rather than sections.

28 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or

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: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-53 – Establishes zoning requirements for facilities that provide testing, treatment, or counseling for drug or alcohol abuse, and updates zoning provisions regarding similar and related uses. Sponsored by: Michael J. McDonald

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Court-related substance abuse treatment and counseling facilities have been located, or have the potential to be located, near residential areas. This bill will limit these facilities to the C-2 District (by means of special use permit) and the C-M and M Districts (as a conditional use). The bill will also adjust the treatment of similar and related uses for the sake of consistency.

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. 2003-53

Submitted at the meeting: Proposed First Amendment

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-53 be forwarded to the Full Council as a First Amendment with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that there was a problem in Ward 1 with a drug counseling and testing facility being located in a residential area. Consequently, he requested an ordinance amendment. Staff identified a new category in the original bill that relates to testing and counseling in connection mainly with a court order. Staff added that language to the mix of already existing uses, for example, a special care facility or a withdrawal management facility. In each of those cases the City’s proposal was to allow them only in the C-2 district by means of special use permit, and in the C-M and M districts as a

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 5 – Bill No. 2003-53

MINUTES – Continued:

conditional use. Other related uses, such as medical office and medical lab were combined in the interest of providing a more cohesive approach to the problem.

Staff has since then identified some ways to clean up the language, which is in the form of a Proposed First Amendment, as submitted. That proposal eliminates two of the categories; special care facility and withdrawal management facility, and directed those uses to other existing uses, namely, a new category for facilities that provide testing, treatment, or counseling for drug or alcohol abuse. In the case of residential unit, it would fall under the category of convalescent care.

ROBERT GENZER, Director, Planning and Development, commented that his staff has been working closely with CHIEF DEPUTY CITY ATTORNEY STEED on this matter. However, he noticed that the latest draft contains some language that should be changed. Lines 3 and 4 of Page 6 deal with a psychology practice, and that language should be changed to read: The term includes a hypnotherapy practice, but does not include a facility to provide testing for drug or alcohol abuse. Staff recommends this change because a psychology or psychiatry practice is exactly where someone with a drug or alcohol problem that is not undergoing a court order should voluntarily seek treatment.

Conversely, Lines 26 and 27 of Page 5 deals with laboratory, medical, or dental facilities, where staff feels testing should occur. Therefore, staff recommends that the word “testing” be removed from Line 26, and continue to prohibit treatment or counseling at such locations. CHIEF DEPUTY CITY ATTORNEY STEED pointed out that he would have to make some corresponding changes to MR. GENZER’s recommended changes in order to avoid any conflicts. They will be submitted at the Council meeting. DOUG RANKIN, Ward 1 Liaison, concurred with the recommended changes.

CONNIE SPANGLER, 4008 Fulton Place, urged the Committee to approve this bill, as she feels that drug rehab facilities do not belong in residential areas. Because of the drug rehab facility in her neighborhood, she and her neighbors have been victims of numerous crimes. A drug rehab facility also brings a lot of traffic into residential neighborhoods.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:33 – 4:40)

1-813

BILL NO. 2003-53

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH ZONING REQUIREMENTS FOR FACILITIES THAT PROVIDE TESTING, TREATMENT, OR COUNSELING FOR DRUG OR ALCOHOL ABUSE; TO UPDATE ZONING PROVISIONS REGARDING SIMILAR AND RELATED USES; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael J. McDonald Summary: Establishes zoning requirements for facilities that provide testing, treatment, or counseling for drug or alcohol abuse, and updates zoning provisions regarding similar and related uses.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to require a Special Use Permit for the use "Special Care Facility" in the C-2 Zoning District, and to provide that the use is a conditional use in the C-M and M Zoning Districts. In order to reflect the amendment, the row that pertains to the use, as found in the "Institutional and Community Service" element of the Land Use Tables, shall be amended to read as follows:

INSTITUTIONAL AND COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Special Care Facility						[P] S	[P]	[P] C	C

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to require a Special Use Permit for the use "Withdrawal Management Facility" in the C-2 Zoning District, and to provide that the use is a conditional use in the C-M and M Zoning Districts. In order to reflect the amendment, the row that pertains to the use, as found in the "Institutional and Community Service" element of the Land Use Tables, shall be amended to read as follows:

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U	R-A	R-B	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	INSTITUTIONAL AND COMMUNITY SERVICE
[C]												Withdrawal Management Facility

INSTITUTIONAL AND COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Withdrawal Management Facility					[C]	[P] S		[P] C	C

SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to require a Special Use Permit for the use “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” in the C-2 Zoning District, and to provide that the use is a conditional use in the C-M and M Zoning Districts. In order to reflect the amendment, the “Institutional and Community Service” element of the Land Use Tables is amended to add thereto a new row for the use, reading as follows:

INSTITUTIONAL AND COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse						[P] S	[P]	[P] C	C

SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting the row for the use “Medical Office” as it appears in the “Office & Professional” element of the Land Use Tables, and by replacing it with a new row pertaining to “Office, Medical,” reading as follows:

OFFICE & PROFESSIONAL	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Office, Medical	P	P	P	P	P	P	P	P	P

SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting the row for the use “Hypnotherapy Practice” as it appears in the “Office & Professional”

1 element of the Land Use Tables, and by replacing it with a new row pertaining to “Psychology
2 Practice,” reading as follows:

OFFICE & PROFESSIONAL	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Psychology Practice	P	P	P	P	P	P	P	P	P

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6 SECTION 6: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
7 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
8 deleting the rows for the uses “Dental Lab” and “Medical or Scientific Research Lab” as they appear
9 in the “Commercial & Business Services” element of the Land Use Tables, and by replacing them
10 with a new row pertaining to “Laboratory, Medical or Dental,” reading as follows:

COMMERCIAL & BUSINESS SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Laboratory, Medical or Dental	A	A	A	A	A	P	A	P	P

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14 SECTION 7: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
15 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the
16 subdivision entitled “DENTAL LAB.”

17 SECTION 8: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
18 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
19 entitled “WITHDRAWAL MANAGEMENT FACILITY” to read as follows, with the bolded brackets
20 ([]) indicating deletion of material and the braces ({ }) representing brackets that are part of existing
21 and new ordinance text:

22 WITHDRAWAL MANAGEMENT FACILITY [{ U, C-1 }] { **C-M, M** }

- 23 (1) The facility shall be limited to no more than twenty-five beds.

24 SECTION 9: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the terms “Medical
26 Office” and “Medical or Scientific Research Lab,” along with their corresponding definitions.

27 SECTION 10: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Office,

1 Medical” to read as follows:

2 “Office, Medical” means a [building or institution or] professional office for the administration of
3 professional medical or dental care, [; not including the housing of persons.] including examinations,
4 screenings and minor outpatient surgical procedures. The term does not include a facility that
5 provides housing for individuals, a clinic, or any other facility that is specifically defined in this
6 Section.

7 SECTION 11: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Special
9 Care Facility” to read as follows:

10 “Special Care Facility” means a facility [, other than a withdrawal management facility,] that is used
11 exclusively for one or more of the following:

- 12 (1) The housing and treatment of persons with an alcohol or drug dependency, or
- 13 (2) The housing and care of persons with physical or mental illness that requires them to
14 be confined in an institutional facility.

15 SECTION 12: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
17 the following terms and their corresponding definitions:

18 “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” means a facility
19 that:

- 20 (1) Operates under the provisions of NRS Title 40 and, by means of certified detoxification
21 technicians, provides treatment related to the physical and mental effects of the abuse of alcohol or
22 drugs; or
- 23 (2) Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling
24 related to the physical and mental effects of the abuse of alcohol or drugs.

25 “Laboratory, Medical or Dental” means a facility, other than a hospital, that:

- 26 (1) Conducts general medical or scientific research, investigation, testing, or
27 experimentation; or
- 28 (2) Upon referral by or request of a medical professional, provides radiological or medical

1 testing, or creates prosthesis or artificial dental work.

2 The term does not include a facility for the manufacture or sale of other products, except as incidental
3 to the main purpose of the laboratory. The term also does not include a facility to provide testing,
4 treatment, or counseling for drug or alcohol abuse.

5 "Psychology Practice" means a professional office in which a licensed professional, including a
6 psychiatrist, psychologist, social worker, marriage and family therapist, or occupational therapist,
7 provides evaluation, testing, treatment or counseling services related to mental conditions or disorders.

8 The term includes a hypnotherapy practice, but does not include a facility to provide testing,
9 treatment, or counseling for drug or alcohol abuse.

10 SECTION 13: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
11 19.04.040, and 19.20.020 are deemed to be subchapters rather than sections.

12 SECTION 14: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
14 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 15: All ordinances or parts of ordinances or 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
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:
9
10 _____
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:
13 _____
14 *Val Steed* 5-13-03
15 _____
16 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: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

1 **PROPOSED FIRST AMENDMENT**

2 **BILL NO. 2003-53**

3 **ORDINANCE NO. _____**

4 AN ORDINANCE TO ESTABLISH ZONING REQUIREMENTS FOR FACILITIES THAT
5 PROVIDE TESTING, TREATMENT, OR COUNSELING FOR DRUG OR ALCOHOL ABUSE;
6 TO UPDATE ZONING PROVISIONS REGARDING SIMILAR AND RELATED USES; AND TO
7 PROVIDE FOR OTHER RELATED MATTERS.

8 Sponsored by: Councilman Michael J. McDonald Summary: Establishes zoning requirements for
9 facilities that provide testing, treatment, or
10 counseling for drug or alcohol abuse, and
11 updates zoning provisions regarding similar and
12 related uses.

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

15 SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
16 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
17 eliminate from the "Institutional and Community Service" element thereof the uses "Special Care
18 Facility" and "Withdrawal Management Facility."

19 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
20 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to
21 require a Special Use Permit for the use "Facility to Provide Testing, Treatment, or Counseling for
22 Drug or Alcohol Abuse" in the C-2 Zoning District, and to provide that the use is a permitted use in
23 the C-M and M Zoning Districts. In order to reflect the amendment, the "Institutional and Community
24 Service" element of the Land Use Tables is amended to add thereto a new row for the use, reading as
25 follows:

INSTITUTIONAL AND COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse						S		P	P

26
27 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
28 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by

1 deleting the rows for the uses "Medical Office" and "Hypnotherapy Practice," as they appear in the
 2 "Office & Professional" element of the Land Use Tables, and by replacing them, in the appropriate
 3 locations, with two new rows pertaining to "Office, Medical" and "Psychology Practice," respectively,
 4 reading as follows:

OFFICE & PROFESSIONAL	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Office, Medical	P	P	P	P	P	P	P	P	P
Psychology Practice	P	P	P	P	P	P	P	P	P

8
 9 SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
 10 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
 11 deleting the rows for the uses "Dental Lab" and "Medical or Scientific Research Lab" as they appear
 12 in the "Commercial & Business Services" element of the Land Use Tables, and by replacing them with
 13 a new row pertaining to "Laboratory, Medical or Dental," reading as follows:

COMMERCIAL & BUSINESS SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Laboratory, Medical or Dental	A	A	A	A	A	P	A	P	P

17 SECTION 5: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
 18 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the
 19 subdivisions entitled "DENTAL LAB" and "WITHDRAWAL MANAGEMENT FACILITY."

20 SECTION 6: Table 1, as adopted in Section 19.10.010(F) of the Municipal Code of
 21 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting the row pertaining to the
 22 use category "Special Care Facility," as found in the INSTITUTIONAL/COMMUNITY SERVICE
 23 element.

24 SECTION 7: Table 1, as adopted in Section 19.10.010(F) of the Municipal Code of
 25 the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the row pertaining to
 26 the category "Office, Medical and Dental," as found in the OFFICE & PROFESSIONAL element
 27 thereof, to read as follows:

28 ...

Office, Medical [and Dental]	One space for each 200 sf of gfa up to 2,000 sf, plus one space for each additional 175 sf.
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SECTION 8: Table 1, as adopted in Section 19.10.010(F) of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding to the INSTITUTIONAL/COMMUNITY SERVICE element thereof two new rows pertaining to the uses “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” and “Psychology Practice,” reading as follows:

Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse	One space for each 200 sf of gfa up to 2,000 sf, plus one space for each additional 175 sf.
Psychology Practice	One space for each 200 sf of gfa up to 2,000 sf, plus one space for each additional 175 sf.

SECTION 9: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the terms “Medical Office,” “Medical or Scientific Research Lab,” “Special Care Facility,” and “Withdrawal Management Facility,” along with their corresponding definitions.

SECTION 10: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending, at the appropriate locations, the definitions of the terms “Assisted Living Apartment,” “Convalescent Care Facility/Nursing Home,” “Group Residential Care Facility,” “Office, Medical,” and “Transitional Living Group Home,” to read respectively as follows:

“Assisted Living Apartment” means an apartment or apartment complex which provides personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. The term includes commercial uses that are ancillary to an apartment complex as long as the total amount of floor space dedicated to such uses does not exceed five percent of the total gross floor area of the apartment complex and there is no external signage for,

1 nor external access to, the commercial uses. The term does not include a [convalescent care facility,
2 nursing home or special care facility.] convalescent care facility/nursing home.

3 “Convalescent Care Facility/Nursing Home” means a building or structure designed, used, or
4 intended to be used to house and provide care for persons who have a chronic physical or mental
5 illness or infirmity, but who do not need medical, surgical or other specialized treatment normally
6 provided by a hospital or special care facility. [“Convalescent care facility”] Convalescent Care
7 Facility/Nursing Home includes “rest home” and “nursing home,” but does not include [assisted living
8 apartment,” “hospital” or “special care facility.”] an assisted living apartment or hospital.

9 “Group Residential Care Facility” means a dwelling of a residential character which is used
10 or intended to be used to provide housing and care for up to ten elderly persons or persons with a
11 handicap. The term does not include an individual residential care facility, [convalescent care facility,
12 nursing home,] convalescent care facility/nursing home, hospital, [special care facility] or any facility
13 which:

14 (1) Provides surgical, medical, psychiatric or other specialized treatment on a
15 regular basis;

16 (2) Provides housing and care to persons who have a chronic illness, disease, injury
17 or other medical condition; or

18 (3) Provides housing, care or treatment to persons whose occupancy would
19 constitute a direct threat to the health or safety of other individuals or their property.

20 “Office, Medical” means a [building or institution or] professional office for the administration
21 of professional medical or dental care, [; not including the housing of persons.] including
22 examinations, screenings and minor outpatient surgical procedures. The term does not include a
23 facility that provides housing for individuals, a clinic, or any other facility that is specifically defined
24 in this Section.

25 “Transitional Living Group Home” means a dwelling of a residential character which is
26 operated under an appropriate State or County license and which provides housing and related
27 assistance for six or fewer persons who are in need of transitional living arrangements. The term does
28 not include an individual residential care facility, group residential care facility, [convalescent care

1 facility, nursing home,] convalescent care facility/nursing home, hospital, [special care facility] or any
2 facility which:

3 (1) Provides surgical medical, psychiatric or other specialized treatment on a
4 regular basis;

5 (2) Provides housing and care to persons who have a chronic illness, disease, injury
6 or other medical condition; or

7 (3) Provides housing, care or treatment to persons whose occupancy would
8 constitute a direct threat to the health or safety of other individuals or their property.

9 SECTION 11: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate locations,
11 the following terms and their corresponding definitions:

12 “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” means a
13 facility that:

14 (1) Operates under or is subject to the provisions of NRS Title 40 and, by means
15 of certified detoxification technicians or otherwise, provides care or treatment related to the physical
16 and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or

17 (2) Provides court-ordered or court-sanctioned testing, analysis, treatment or
18 counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects
19 of alcohol or drug dependency.

20 “Laboratory, Medical or Dental” means a facility, other than a hospital, that:

21 (1) Conducts general medical or scientific research, investigation, testing, or
22 experimentation; or

23 (2) Upon referral by or request of a medical professional, provides radiological or
24 medical testing, or creates prosthesis or artificial dental work.

25 The term does not include a facility for the manufacture or sale of other products, except as incidental
26 to the main purpose of the laboratory. The term also does not include a facility to provide testing,
27 treatment, or counseling for drug or alcohol abuse.

28 “Psychology Practice” means a professional office in which a licensed professional, including

1 a psychiatrist, psychologist, social worker, marriage and family therapist, or occupational therapist,
2 provides evaluation, testing, treatment or counseling services related to mental conditions or disorders.
3 The term includes a hypnotherapy practice, but does not include a facility to provide testing, treatment,
4 or counseling for drug or alcohol abuse.

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

7 **10.76.010:** (A) At any of the following locations, it is unlawful for any person to drink an
8 alcoholic beverage or to possess an open container of alcoholic beverage which was purchased in an
9 original sealed or corked container:

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

12 (2) Upon property, other than residential property, located within one
13 thousand feet of an establishment which is licensed for off-sale or on-off-sale; or

14 (3) Upon property, other than residential property or property designated
15 in special event licenses issued pursuant to LVMC Chapter 6.50, located within one thousand feet of
16 a church[,]; synagogue[,]; public or private school[,]; hospital[,]; [special care facility, withdrawal
17 management facility] convalescent care facility; nursing home; facility to provide testing, treatment,
18 or counseling for drug or alcohol abuse; or homeless shelter.

19 SECTION 13: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
20 19.04.040, and 19.20.020 are deemed to be subchapters rather than sections.

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

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SECTION 15: 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:

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 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-54 – Permits restricted gaming in supper clubs under certain circumstances, and prohibits restricted gaming in the Downtown Entertainment Overlay District. Sponsored by: Councilman Larry Brown

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

A previous bill on this subject, Bill No. 2002-143, recently was stricken by the City Council with direction to bring back another bill with certain adjustments. In response, this bill is brought forward to allow supper clubs to have up to five slot machines in the bar area, but only as approved by means of a special use permit. The bill will also prohibit restricted gaming in the Downtown Entertainment Overlay District.

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. 2003-54

COMMITTEE RECOMMENDATION:

COUNCILMAN WEEKLY recommended Bill 2003-54 be forwarded to the Full Council with a “Do Pass” recommendation. **COUNCILMAN MACK** abstained because his brother-in-law, **ANDREW DONNER**, who owns Timbers Hospitality Group and has a management agreement with the Lady Luck.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

MARK VINCENT, Director of Finance and Business Services, remarked that this bill limits the number of slot machines for supper clubs to five, regardless of the square footage of the facility, through a special use permit in accordance with Title 9. Additionally, it limits the slots to the bar area only. It continues to restrict gaming from the Downtown Entertainment Overlay District. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF JUNE 2, 2003

City Attorney

Item 6 – Bill No. 2003-54

MINUTES – Continued:

ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of Houlihans and concurred with the changes.

ROBERT GENZER, Director, Planning and Development, added that one of the issues brought up by the Council was the need for a separate special use permit for gaming, as opposed to the supper club. Staff's research indicates that that ability is already in the code and falls under the general business gaming related category. Council will still have the ability to approve a supper club without gaming, requiring the applicant to demonstrate why gaming should be allowed at any given location.

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

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:40 – 4:43)

1-1086

1 BILL NO. 2003-54

2 ORDINANCE NO. _____

3 AN ORDINANCE TO PERMIT RESTRICTED GAMING IN SUPPER CLUBS UNDER CERTAIN
4 CIRCUMSTANCES, TO PROHIBIT RESTRICTED GAMING IN THE DOWNTOWN
ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED
5 MATTERS.

6 Sponsored by: Councilman Larry Brown

Summary: Permits restricted gaming in supper
7 clubs under certain circumstances, and prohibits
restricted gaming in the Downtown
8 Entertainment Overlay District.

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

11 SECTION 1: Title 6, Chapter 40, Section 140, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.40.140:** Restricted gaming shall be limited to the following locations within the City and
14 limited in scope of operation as follows:

15 (A) Locations licensed for the sale of alcoholic beverages, other than a tavern or
16 supper club, having less than five thousand square feet of usable floor space shall be permitted to
17 operate not more than seven slot machines.

18 (B) Locations licensed for the sale of alcoholic beverages, other than supper clubs,
19 having at least five thousand square feet of usable floor space, and taverns, regardless of the amount
20 of their usable floor space, shall be permitted to operate not more than fifteen slot machines.

21 (C) Locations that are licensed as supper clubs may operate not more than five slot
22 machines, but only if the slot machines:

23 (1) Are counter top or table top video gaming devices that are located
24 within the bar area of the business operation; and

25 (2) Have been approved by means of a special use permit for a general
26 business-related gaming establishment in accordance with LVMC Title 19.

27 [(C)] (D) Locations not licensed for the sale of alcoholic beverages but for which
28 locations a special use permit for a general business-related gaming establishment [, as that term is

1 defined in LVMC 19.04.417,] is obtained in accordance with LVMC Title 19, having less than five
2 thousand square feet of usable floor space shall be permitted to operate not more than four slot
3 machines;

4 [(D)] (E) Locations not licensed for the sale of alcoholic beverages but for which
5 locations a special use permit for a general business-related gaming establishment [, as that term is
6 defined in LVMC 19.04.417,] is obtained in accordance with LVMC Title 19, having at least five
7 thousand square feet of usable floor space shall be permitted to operate not more than fifteen slot
8 machines;

9 [(E)] (F) Locations licensed to operate not more than fifteen slot machines prior to
10 February 6, 1991; provided, however, that a location with less than five thousand square feet of usable
11 floor space which has in excess of the number of slot machines permitted by Subsections (A) and (E)
12 of this Section shall be limited to the operation of the number of slot machines licensed for such
13 location as of February 6, 1991.

14 SECTION 2: Title 6, Chapter 40, Section 155, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.40.155:** The City Council may deny any application for a gaming license if it deems the place
17 or location for which the license is sought to be unsuitable for the conduct of gaming.

18 (A) No restricted gaming shall be conducted, maintained or operated in the
19 following places or locations:

- 20 (1) Laundromats;
- 21 (2) Bakeries, donut shops and any other retail location, except as otherwise
22 provided in LVMC 6.40.140 and 6.40.150;
- 23 (3) Movie theaters and professional offices;
- 24 (4) Fast food establishments;
- 25 (5) [Supper clubs; and
- 26 (6)] Hotels with a hotel lounge bar license[.]; and
- 27 (6) Locations within the Downtown Entertainment Overlay District, as
28 described in LVMC 19.06.120.

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(B) Locations listed above that are licensed for gaming as of [April 17, 1991,] the date this Section (or any amendment thereto) was adopted may be allowed to continue their licenses so long as the nature and character of the business at the location does not materially change.

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, 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 5-13-03
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: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
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17 BARBARA JO RONEMUS, City Clerk
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City of Las Vegas

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: JUNE 2, 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:

AL GALLEGO, citizen of Las Vegas, demanded that before the next Council meeting he be provided with the documents he requested from the Office of Business Development

(4:43)

1-1201

THE MEETING ADJOURNED AT 4:43 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

June 11, 2003