

ORDINANCE NO. 203

AN ORDINANCE REGULATING THE DISTRIBUTION AND CONTROL OF INTOXICATING AND ALCOHOLIC LIQUORS AND BEVERAGES; REGULATING PLACES WHERE AND UNDER WHAT CONDITIONS SAID INTOXICATING ALCOHOLIC LIQUORS AND BEVERAGES MAY BE KEPT, SOLD, GIVEN AWAY OR OTHERWISE DISTRIBUTED; PROVIDING FOR PERMITS AND LICENSES; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Board of Commissioners of the City of Las Vegas do ordain as follows:

Section 1. SHORT TITLE. This Ordinance may be cited as the Las Vegas Liquor Control Ordinance.

Section 2. DEFINITIONS. For the interpretation of this ordinance, unless the context indicates a different meaning:

(1) The word "alcohol" means a product of distillation of any fermented liquor rectified either once or oftener, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

(2) The word "spirits" means any liquor which contains alcohol attained by distillation mixed with drinkable water and other substances in solution including brandy, rum, whiskey and gin.

(3) The word "wine" means any alcoholic liquor obtained by the fermentation of natural sugar contents of fruits or other agricultural product containing sugar, including fortified wines such as port, sherry and champagne.

(4) The word "beer" means any liquor obtained by the alcoholic fermentation of an infusion or decoction of malt, barley and hops in drinking water.

(5) The word "beverage" means any beer or wine containing not more than 20 per centum of alcohol by weight.

(6) The words "alcoholic liquor" include the four varieties of liquor above defined (alcohol, spirits, wine and beer) and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by human beings.

(7) The word "hotel" means every building or other structure kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which thirty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith.

(8) The word "restaurant" means space in suitable building kept, used, maintained, advertised or held out to the public to be a place where meals are served without sleeping accommodations, and where twenty-five or more persons may be served with meals at any one time at tables.

(9) The word "club" means an association of persons, whether incorporated or unincorporated, for the promotion of some common object (but not including associations organized for any commercial or business purpose the object of which is money profit) owning, hiring, or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests.

(10) The word "tavern" means a place where alcoholic liquors are sold at retail to the general public, and a place where no other kind of business or businesses is or are being maintained or conducted.

(11) The word "cabaret" means a place for the entertainment of guests and where meals and beverages are served.

(12) A "drug store" means a place where medicines are sold and prescriptions compounded.

(13) A "wholesale liquor establishment" is defined to be a place where alcoholic, spirituous, vinous, malt, or mixed alcoholic and intoxicating liquors and beverages are kept, sold, given away or distributed, in quantities not less than five (5) gallons, contained in sealed or corked packages or kegs, and not to be consumed on the premises where so kept, sold, given away or distributed, and to be sold, given away or distributed to retailers only.

(14) A "retail liquor establishment" is defined to be a place where any alcoholic liquors and beverages, as herein defined, are sold, served, given away or distributed, in quantities not to exceed four and nine-tenths (4.9) gallons to the same person or for the same person's use, at any one time.

Section 3. Wholesale liquor establishments may be maintained and kept in that portion of the City of Las Vegas designated in Section 4 of this ordinance, and in what is known as the industrial section of said City.

Section 4. Taverns may be maintained in that portion of the City of Las Vegas bounded as follows: from the East side of Main Street and extending to the West side of Second Street, and from the South Side of Stewart Street to the North side of Carson Street.

Section 5. Beverages containing not more than 4 per centum of alcohol by weight may be sold, served or given away by regularly licensed establishments anywhere within the limits of said city, except as prohibited by subdivision (6) of Section 18 of this ordinance.

Section 6. Drug Stores for the sale or distribution of alcoholic liquors shall be maintained only within the zone designated in Section 4 hereof, and any alcoholic liquors sold therein shall be sold in original containers or sealed packages, and not consumed on the premises.

Section 7. Restaurants and clubs for the sale of beverages containing not more than 20 per centum of alcohol by weight, shall be maintained only within the zone designated in Section 4 hereof.

Section 8. Cabarets for the sale of beverages containing not more than 20 per centum of alcohol by weight, shall be maintained only at such place or places as may in the discretion of the Board be specifically designated at the time application for a license therefor is made.

Section 9. Whenever any person, firm, corporation, co-partnership, association, social club or association of persons of any kind whatsoever desires to open, keep, carry on or conduct any liquor establishment in the City of Las Vegas, or engage in the business thereof, such persons shall make application in writing to the Board of Commissioners of said City to obtain a license therefor: and said application shall contain and set forth the following:

(a) The name and residence of the applicant or applicants and how long a resident of the City of Las Vegas;

(b) The kind of license desired, and the particular place for which such license is desired, and the name of the owner of the premises where such business is to be conducted;

(c) The person or persons interested in the business asked to be licensed;

(d) A statement that if such permit is granted and a license issued, same will be accepted by the applicant subject to the terms and provisions of this ordinance, and such other rules and regulations as may at any time hereafter be adopted or enacted by resolution of the Board of Commissioners of the City of Las Vegas.

(e) The first quarterly license tax shall accompany the application, to be returned to applicant if permit is denied.

(f) Said application must be verified by the applicant or applicants thereof.

Section 10. When an applicant for a license is a corporation or association, the application may be verified by its President, Secretary or Manager, and

in addition to the matters and things hereinbefore required to be set out in the application, there shall be set forth the name of the person or persons who shall have the management of its business for which or in connection with which a license is desired, and the names of the persons composing its Board of Directors or governing body.

Section 11. The Board of Commissioners of said City of Las Vegas may, if the applicant or applicants for permission to obtain a license is or are in the opinion of said Board a proper person or proper persons to carry on such business, make an order that the City Clerk issue a license to such person or persons.

Section 12. Any permit for a license granted by the Board of City Commissioners during the month of December, 1933, shall continue in force until the first day of January, 1935; and every permit granted by said Board after the month of December, 1933, shall continue in force until the first day of January of the next succeeding year; provided however, such permit or permits shall not have been rescinded, revoked or cancelled or the license thereunder declared forfeited; and provided further, that the Board of City Commissioners may at any time in its discretion, without notice, rescind, revoke or cancel any permit for a liquor license theretofore granted, and may cancel and declare forfeited any license issued, and every such licensee accepts the permit and license subject to such right of revocation without notice; and such permit and license shall be by said Board of City Commissioners without notice revoked, rescinded and cancelled, for the violation of any of the provisions of this ordinance.

Section 13. The holder of any permit shall be entitled to have the same renewed for any ensuing year by said Board of City Commissioners, before the same expires, upon the filing with said Board of City Commissioners by said holder, of the verified application required by Section 9 of this ordinance. Upon the filing of such verified application, if the said Board of City Commissioners find that the statements therein contained are true and if the applicant or applicants for renewal of permit is or are in the opinion of the said Board, a proper person or proper persons to continue to carry on said liquor business, it shall renew the permit of the liquor establishment the license for which is so applied for.

Section 14. It shall be unlawful for any person, firm, corporation, co-partnership, association, social club, or association of persons of any kind whatsoever, to sell, offer to sell, serve, give away, or distribute, or cause or permit to be sold, offered for sale, served, given away or distributed, any alcoholic, spirituous, vinous, malt, or intoxicating liquor, or any liquor or beverages mentioned in this ordinance, in the City of Las Vegas without first making application for and securing a permit and license so to do; provided that such liquors and beverages may be served by a private family in its home as a part of its family life; and provided further, that the provisions of this section shall not apply to the sale or giving away by a regularly licensed druggist of pure alcohol (with or without a physician's prescription) for medicinal, mechanical, or scientific uses; nor shall the provisions of this section extend to physicians, surgeons, apothecaries, or chemists as to any alcoholic liquor which they may use in the preparation or compounding of medicines.

Section 15. The licenses provided for in this ordinance shall when issued be issued first for four months, and thereafter for a quarter of a year and for the quarters ending on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December, and shall not be issued for a period less than a quarter of a year; nor shall any licenses be issued to any person, firm, corporation, co-partnership, association, social club, or association of persons of any kind whatsoever which has not first procured a permit for a license as herein provided for.

Section 16. The rates for the licenses provided for in this ordinance shall be, and the same are hereby fixed and established, and the same shall be paid in advance by all persons receiving such licenses respectively, as follows:

- (1) For a wholesale liquor license, the sum of \$150.00 per quarter;
- (2) For a wholesale beverage license, the sum of \$12.50 per quarter;
- (3) For a retail tavern liquor license, the sum of \$250.00 per quarter;
- (4) For a retail drug store liquor license, the sum of \$50.00 per quarter;
- (5) For a retail restaurant liquor license the sum of \$125.00 per quarter;
- (6) For a retail club liquor license, the sum of \$50.00 per quarter;
- (7) For a retail cabaret liquor license the sum of \$125.00 per quarter;
- (8) For a retail beverage license, the sum of \$10.00 per quarter.

In addition to the foregoing license tax, there shall be paid by wholesale beverage licensees and retail beverage licensees, an excise tax of four cents (4c) per gallon for each gallon or fraction thereof of any beverage authorized or permitted by this ordinance sold, served, distributed or given away, said tax to be paid and collected as in Ordinance No. 198 provided.

Section 17. No license for the conduct of a tavern shall be granted to any drug store, merchandise store, or any place in which any other kind of business is maintained or connected therewith; and such taverns shall be located within the zone defined in Section 4 hereof; provided, however, that hotels within said zone may, in connection with said hotel, maintain a tavern, if such tavern so maintained by a hotel within said zone shall maintain and keep the same separate and distinct and apart from any other business or businesses connected therewith.

Section 18. It shall be unlawful:

(1) For the holder of any permit or license to sell, serve, give away or dispose of any liquor to any minor or minors.

(2) For the holder of any permit or license to sell, serve, or give away food in any tavern, or to conduct any other kind of business therein; or to allow any tables or chairs in said places of business, or to allow any loitering by persons therein;

(3) For any gambling or gambling game of any kind to be conducted, carried on, suffered or allowed in or about the premises occupied by any tavern; and no tavern shall be connected with or have openings into any place where gambling or gaming in any form is allowed, carried on or conducted.

(4) For the licensee or any of his servants or employees to be in an intoxicated condition while in or about the premises or business occupied by any tavern.

(5) For any licensee or his servants or agents to sell, serve, or give away any intoxicating liquor to any intoxicated person.

(6) For a permittee or licensee to sell, serve, give away or distribute any of the liquors or beverages in this ordinance mentioned within four hundred (400) feet of any school house or place wherein school is conducted.

Section 19. Premises conducted as taverns as herein defined, shall not be so obstructed by any curtain, screen or any device as to prevent a full and unobstructed view of the interior of such premises from the main entrance or from the street or sidewalk adjacent thereto; and no permit or license shall be granted for the conduct of a tavern unless the same shall face and have its main entrance from a designated street; and no tavern shall have in the rear of its premises, or in connection therewith, any wine room, and all taverns shall be located on the ground floor.

Section 20. No permit or license shall be issued to any person, firm, corporation, co-partnership, association, social club, or association of persons of any kind whatsoever, unless the applicant or applicants shall have an established place of business in

the City of Las Vegas, is or are citizens of the United States, and registered voters of the State of Nevada.

No permit or license shall be granted to any brewer or brewery, manufacturer of liquors or beverages, or wholesaler, who shall have any financial interest, direct or indirect, in any retail liquor or retail beverage establishment.

Section 21. No permit granted or license issued under this ordinance can be assigned.

Section 22. No more than one tavern license shall be granted to any person, firm, corporation, co-partnership association, social club, or association of persons of any kind whatsoever.

Section 23. Whenever any person shall complain to the Board of City Commissioners that his or her father, mother, husband, wife, child, brother, sister or ward, is addicted to the excessive use of alcoholic liquor, or is a habitual or common drunkard, or who fails to provide for his family the common necessities of life, and shall request said Board of City Commissioners, in writing, to notify liquor permittees or licensees in said City not to sell, serve, or give away any liquors to such father, mother, husband, wife, child, brother, sister or ward, such Board of City Commissioners, on being satisfied that the complaint is true, shall forthwith notify in writing every permittee and licensee in said city that such request has been made; and thereafter it shall be unlawful for such permittee or licensee to sell, serve, or give away any intoxicating liquor to such father, mother, husband, wife, child, brother, sister or ward.

Section 24. It shall be unlawful for any permittee or licensee to sell, serve or give away any intoxicating liquor on any election day between the hours of 6:00 A. M. and 6:00 P. M., or on any day designated by the Board of City Commissioners on which intoxicating liquors shall not be sold, served or given away.

Section 25. It shall be unlawful for any person, firm, corporation, co-partnership, association, social club, or association of persons of any kind whatsoever, to sell, serve, give away, or dispose of any alcoholic, spirituous, vinous, or malt liquor, except such liquor as is manufactured under the supervision of or approved for sale by the United States government.

Section 26. Any violation of this ordinance or any one of the provisions thereof, or any of the prohibitions hereof, of any of the requirements thereof, shall constitute a misdemeanor and shall be punished by a fine of not to exceed Four Hundred Dollars, or by imprisonment in the City Jail of Las Vegas for a period of not to exceed two hundred days, or by both such fine and imprisonment; and shall subject the permittee and licensee to have his permit and license revoked, cancelled and annulled; and any person being adjudged guilty of a violation of this ordinance, or any of the provisions thereof, or any of the prohibitions thereof, may in the discretion of the Board of City Commissioners, be denied a permit or license thereafter.

Section 27. The Board of City Commissioners are vested with power to punish violations of this ordinance, and with power to revoke permits and cancel licenses, and to suspend the same, should it deem such action justifiable.

Section 28. It shall be lawful for the Board of Commissioners of the City of Las Vegas to refuse to grant permits or licenses for the conduct of any businesses mentioned in this ordinance; and the Board shall have the power to limit the number of licenses to be issued, and to designate where in said City any of said liquors may be sold, served, given away or distributed.

Section 29. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 30. Each section of this ordinance, and every part of each section, is hereby declared to be an independent section and part of section, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect, nor shall it affect, any other section or part of section.

Section 31. This ordinance shall take effect immediately after its publication and passage.

Section 32. The City Clerk is hereby authorized to have this ordinance published in the Las Vegas Review-Journal, a daily newspaper, published in the City of Las Vegas, for a period of two weeks.

Proposed, read aloud in full, and adopted this 17th day of November, 1933, by the following vote: Commissioners Arnett, Mundy, Down, and his Honor, the Mayor Pro Tem voting aye. Noes none.

Published in the Las Vegas Review-Journal a daily newspaper (except Sunday), published in the City of Las Vegas, Nevada, once a week for two weeks, to-wit: November 18 and November 25, 1933.

W. C. GERMAN,
Mayor Pro Tem.

Attest:
VIOLA BURNS
City Clerk.

Nov. 18-20-25-27