

BILL NO. 2020-39

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 6.50 TO ESTABLISH A NEW ALCOHOL DELIVERY SUPPORT SERVICE ALCOHOLIC BEVERAGE LICENSE CATEGORY, TOGETHER WITH ASSOCIATED REQUIREMENTS AND LIMITATIONS; EXPAND THE CATEGORIES UNDER WHICH A BUSINESS CAN EXERCISE AN ANCILLARY ALCOHOLIC BEVERAGE LICENSE; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Stavros S. Anthony

Summary: Amends LVMC Chapter 6.50 to establish a new alcohol delivery support service alcoholic beverage license category, together with associated requirements and limitations, and expand the categories under which a business can exercise an ancillary alcoholic beverage license.

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

SECTION 1: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 95, reading as follows:

6.50.095: (A) An alcohol delivery support service alcoholic beverage license authorizes a person to deliver alcoholic beverages on behalf of an establishment that sells alcoholic beverages for off-premise consumption. Each alcoholic beverage delivered pursuant to this license:

(1) Must be in the original manufacturer-sealed container or a sealed container qualifying under LVMC 6.50.085(C);

(2) Must have been purchased from the establishment by a consumer for delivery to the premises requested by the purchaser;

(3) Must have been purchased by telephone, internet or other electronic means; and

(4) Is subject to the sales and delivery restrictions set forth in LVMC 6.50.100(B).

(B) Before a license described in this Section may be issued, the applicant must establish

1 and provide to the Department for Director approval a delivery policy designed to ensure that the
2 requirements of this Section and State law in relation to the delivery of alcoholic beverages are met.

3 The delivery policy must include at a minimum:

- 4 (1) Protocols to ensure that drivers are twenty-one years or older;
- 5 (2) Alcohol awareness training for drivers, which includes at a minimum:
 - 6 (a) Reviewing relevant State laws, including those that prohibit buying
7 for or selling to minors;
 - 8 (b) Reviewing possible criminal and civil penalties that might be
9 imposed for the violation of laws and ordinances governing the licensee's operation;
 - 10 (c) Checking for valid identification documents, recognizing false
11 identification documents, and refusing delivery in the case of suspicious or false identification documents;
 - 12 (d) Verifying and tracking the personal information of recipients and
13 recipient signatures; and
 - 14 (e) Identifying and refusing delivery to intoxicated recipients.
- 15 (3) Procedures to ensure that each delivery address is in a jurisdiction in which
16 the delivery of alcohol is permitted and that the delivery will be in accordance with the applicable delivery
17 regulations of that jurisdiction;
- 18 (4) Procedures to document how delivery data will help ensure compliance,
19 with such documentation to be made available for audit when requested by the City;
- 20 (5) Procedures for conducting background checks regarding drivers; and
- 21 (6) Procedures documenting how certain delivery information is gathered and
22 maintained that includes at a minimum the items described in LVMC 6.50.100(B)(2).

23 (C) Each holder of an alcohol delivery support service alcoholic beverage license shall
24 maintain a list of the establishments with which the holder has entered into contracts for delivery service
25 pursuant to this Section.

26 (D) The delivery policy referred to in Subsection (B) must be maintained in force and a

1 copy produced to the Department or Metro upon request.

2 (E) Each licensee is responsible for the conduct and violations of any driver it employs,
3 whether the driver is an employee or independent contractor and regardless of any contractual arrangement
4 between the selling establishment and the driver.

5 SECTION 2: Title 6, Chapter 50, Section 100, of the Municipal Code of the City of Las
6 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.50.100:** (A) An ancillary license authorizes the sale of alcoholic beverages for [specialty]
8 particularized sales, instruction or tasting as follows:

9 (1) Internet and Related Sales. A person [that offers alcoholic beverages for
10 sale at a grocery store in excess of five thousand square feet pursuant to a package liquor license may sell
11 alcoholic beverages by delivery to a purchaser's premises pursuant to an internet purchase order placed by
12 the purchaser subject to sales and delivery restrictions in LVMC 6.50.100(B), below.] licensed pursuant to
13 this Chapter to sell alcoholic beverages for off-premise consumption may offer and sell such beverages by
14 telephone, internet or other electronic means, and may provide for the delivery of such beverages to the
15 premises requested by the purchaser, either through direct delivery by the licensee or by means of an alcohol
16 delivery support service that is licensed pursuant to LVMC 6.50.095 and that meets the requirements of that
17 Section and Subsection (B) of this Section.

18 (2) Instructional Wine-Making. A person authorized to sell alcoholic beverages
19 pursuant to a package liquor license may instruct persons regarding the making of wine provided that such
20 licensee first acquires, and maintains in good standing, any required State license or permit.

21 (a) Wines made during the instructional process may be served by the
22 glass for consumption on the premises of the instructional establishment to those persons involved with the
23 instructional process.

24 (b) Notwithstanding the provisions of LVMC 6.50.430, persons who
25 have made wine during an instructional process pursuant to this Section may place such wine in bottles or
26 containers and remove them from the instructional establishment, but only for their personal use.

1 (3) Tasting. A person authorized to sell alcoholic beverages pursuant to a
2 package liquor, wholesale general or beer/wine/cooler off sale license may provide the tasting of wines and
3 beers, and cordials or liqueurs (if permitted pursuant to the person's license) pursuant to the following
4 conditions:

- 5 (a) The sample must not exceed one-half ounce per drink;
- 6 (b) The samples must be served on the premises of the licensee for
7 educational purposes or to promote the sale of packaged alcoholic beverages;
- 8 (c) The samples shall not be offered in conjunction with a meal at a
9 restaurant;
- 10 (d) Persons offering samples of alcoholic beverages must be employees
11 of the licensee and the person must possess a valid work card; and
- 12 (e) Bottles of wines, beers, cordials or liqueurs opened for tasting shall
13 not be sold, otherwise distributed or given away.

14 (4) Individual Access. An owner or beneficial owner of a hotel that is
15 authorized to sell alcoholic beverages pursuant to a hotel lounge bar license, or an owner or beneficial owner
16 of a sports arena or convention center that is authorized to sell alcoholic beverages pursuant to a general on-
17 sale or a tavern license may sell alcoholic beverages by individual access pursuant to the following
18 conditions:

- 19 (a) For individual access in a hotel room:
 - 20 (i) The hotel must provide a full-service restaurant that serves
21 meals no less than twelve hours every day, room service of meals to all rooms no less than twelve hours
22 every day, and no less than one full-time security guard on duty at all times;
 - 23 (ii) The hotel must provide a secure means by which an adult
24 transient guest may control the access to the secured cabinet or refrigerator from minors that occupy the hotel
25 room; and
 - 26 (iii) The adult transient guest shall not permit any minors that

1 are occupying the hotel room to access the secured cabinet or refrigerator.

2 (b) For individual access in a booth or viewing suite at a convention
3 center or sports arena:

4 (i) The alcoholic beverages for the booths or viewing suites
5 shall be provided to the tenant by the licensee. Notwithstanding any other provision of this Chapter, a tenant
6 of the booth or viewing suite shall not bring any alcoholic beverages into the booth or viewing suite nor
7 consume any alcohol within the booth or suite that was not provided by the licensee;

8 (ii) The booth or viewing suite must be under the operational
9 control of the licensee;

10 (iii) The licensee shall possess ultimate control of the cabinet or
11 refrigerator inside the booth or viewing suite, and the lock of the refrigerator or cabinet shall be designed
12 such that the key may not be removed from the refrigerator or cabinet without locking the refrigerator or
13 cabinet;

14 (iv) The licensee shall only deliver the key to the refrigerator or
15 cabinet to an adult utilizing the booth or viewing area; and

16 (v) The adult in receipt of the key shall not permit any minors
17 that have access to the booth or viewing area access to the key or access to the open refrigerator or cabinet
18 containing the alcoholic beverages.

19 (B) Delivery Restrictions. Delivery of alcoholic beverages pursuant to LVMC 6.50.095
20 or 6.50.100(A)(1) above may only occur pursuant to the following conditions:

21 (1) [Delivery of alcoholic beverages must be in conjunction with the delivery
22 of groceries in the same purchase order;

23 (2)] The person placing an order and the person receiving the alcoholic
24 beverages must be of legal age to purchase alcoholic beverages;

25 [(3)] (2) Each sales transaction for delivery shall have written documentation of the
26 sale and delivery, [on forms acceptable by the Director,] which shall include at a minimum:

- 1 (a) The business name and address of the [grocery or general retail
2 store;] selling establishment;
- 3 (b) A detailed list of alcoholic beverages and [groceries] other items
4 purchased in each sales transaction;
- 5 (c) The name and address of the purchaser[;] and of the recipient;
- 6 (d) The type of identification used to prove the age of the purchaser[;]
7 and of the recipient; and
- 8 (e) The signature of the delivery person, [and purchaser involved in the
9 sales transaction.]

10 (3) If delivery is to be accomplished by someone other than the selling
11 establishment, the delivery service provider must hold an alcohol delivery support service alcoholic beverage
12 license pursuant to LVMC 6.50.095 and be in compliance with that Section.

13 (C) Alcoholic beverages sold pursuant to this ancillary license shall be stored in such a
14 manner that prevents public access.

15 (D) Any ancillary license issued shall be approved on an individual basis indicating the
16 specialty sale allowed and accounted for based upon the fees specified in LVMC 6.50.350.

17 (E) Notwithstanding [anything] any provision of this Title to the contrary, an ancillary
18 license is nontransferable.

19 SECTION 3: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.50.360:** Each licensee shall pay to the Department in advance, the semiannual license fees set forth
22 in the following schedule:

23 . . .

24 . . .

25 . . .

26 . . .

License Category	Semiannual License Fee (Dollars)
Alcohol delivery support service	500.00
Alcoholic beverage caterer	[\$]500.00
Ancillary	500.00 per category authorized or 1% of gross sales, whichever is greater
Ancillary brew pub	500.00 or 1% of sales to licensed wholesale dealers, whichever is greater
Ancillary craft distillery	500.00 or 1% of gross sales, whichever is greater
Ancillary gift basket	500.00
Ancillary lounge bar	1,200.00
Ancillary winery	500.00 or 1% of gross sales, whichever is greater
Banquet or event establishment	500.00
Beer and wine room	700.00
Plus: fee for each additional bar	400.00
Beer/wine/cooler on-sale	300.00
Beer/wine/cooler off-sale	300.00
General on-sale	1,200.00
Plus: fee for each additional bar	900.00
General on-sale (beer and wine)	500.00
Liquor manufacturer	1,000.00
Nonprofit club general on-sale	200.00
Package	750.00
Permanent trade show facility	2,400.00
Restaurant service bar	600.00
Restaurant with alcohol	800.00
Plus: fee for each additional bar	750.00
Tavern (one bar)	1,200.00
Plus: fee for each additional bar	900.00
Plus: fee for resort hotel owned gift shop	900.00
Tavern-limited (one bar)	800.00
Plus: fee for each additional bar	500.00
Tavern-restricted (one bar)	800.00
Plus: fee for each additional bar	500.00
Urban lounge (one bar)	1,000.00
Plus: fee for each additional bar	750.00
Wholesale general	1,000.00

Each time-limited special event general licensee shall pay the following license fee for each day (or for each event, in the case of a multi-day event): One hundred dollars, plus seventy-five dollars for each additional bar.

Each time-limited special event beer/wine/cooler licensee shall pay the following license fee for each day (or

for each event, in the case of a multi-day event): Fifty dollars, plus twenty-five dollars for each additional bar.

SECTION 4: Title 6, Chapter 50, Section 380, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.380: (A) The origination charge listed in this Section is a one time charge which is due and payable at the time of filing an application for an alcoholic beverage license. Origination charges are as follows:

License Category	Origination Charge (Dollars)
<u>Alcohol delivery support service</u>	<u>4,000.00</u>
Alcoholic beverage caterer	4,000.00
Ancillary lounge bar	40,000.00
Banquet or event establishment	20,000.00
Beer and wine room	7,500.00
Beer/wine/cooler on-sale	2,500.00
Beer/wine/cooler off-sale	2,500.00
General on-sale	75,000.00
General on-sale (beer and wine)	20,000.00
Liquor manufacturer	10,000.00
Nonprofit club general on-sale	2,000.00
Package	40,000.00
Permanent trade show facility	60,000.00
Restaurant service bar	30,000.00
Restaurant with alcohol	40,000.00
Tavern	75,000.00
Tavern-limited	20,000.00
Tavern-restricted	20,000.00
Urban lounge	50,000.00
Wholesale general	10,000.00

(B) The transfer of an alcoholic beverage license from one licensee to another is exempt from the origination charge set forth in this Section.

(C) In connection with the issuance of an original new City alcoholic beverage license to an existing County alcoholic beverage licensee whose business premises have been annexed into the City, the Department shall waive the origination charge at the request of the applicant. However, a license concerning which such a waiver has been granted may not be sold, transferred to a third party, or transferred

1 to a new location, notwithstanding any provision of this Title to the contrary.

2 SECTION 5: Title 6, Chapter 50, Section 450, of the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.50.450:** It is unlawful for any person to sell any alcoholic beverage:

5 (A) Without a valid unexpired license issued pursuant to this Chapter; provided,
6 however, that this prohibition does not apply to employees of persons licensed pursuant to this Chapter during
7 the course of such employment;

8 (B) To a person who is intoxicated;

9 (C) For delivery to a personal residence pursuant to a request for such delivery;
10 provided, however, that this prohibition does not apply to deliveries of beer in kegs having a capacity of not
11 less than one-quarter barrel or to deliveries authorized by LVMC 6.50.095 or 6.50.100;

12 (D) Except as otherwise specifically provided in LVMC 6.50.285, through or by means
13 of a drive-in or walk-up window, door or other opening;

14 (E) In any manner not authorized by the license under which authority the person
15 making such sale is authorized to do business; and

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

18 SECTION 6: Regarding any person who engages in a business within the City that
19 facilitates the provision of alcohol delivery service but who does not engage in the actual delivery of alcohol,
20 nothing in this Ordinance shall be deemed to:

21 (A) Require such a person to obtain a license pursuant to Section 1 of this Ordinance; or

22 (B) Eliminate, reduce or modify the requirement for such a person to obtain a business
23 license under the appropriate licensing category.

24 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
25 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
26 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the

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

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

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

15 PASSED, ADOPTED and APPROVED this ____ day of _____, 2020.

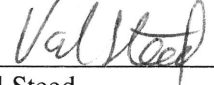
16 APPROVED:

17 By _____
18 CAROLYN G. GOODMAN, Mayor

19 ATTEST:

20 _____
21 LUANN D. HOLMES, MMC
City Clerk

22 APPROVED AS TO FORM:

23 
24 Val Steed,
Deputy City Attorney

11-2-2020
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2020, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2020, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LUANN D. HOLMES, MMC
City Clerk