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BILL NO. 12-20-22-2

SUMMARY – An ordinance to amend Clark County Code Title 8, Chapter 8.20, Subsection 8.20.020.325 to allow retail beer and wine licensees to also sell spirit based products; to amend Title 8, Chapter 8.20 by adding a definition for “spirit based product”; to amend Title 8, Chapter 8.20, Subsections 8.20.020.015, 8.20.020.023, 8.20.020.130, 8.20.020.160, 8.20.020.162, 8.20.020.345, 8.20.020.365, 8.20.020.430, and Sections 8.20.470, and 8.20.479 to revise terminology regarding spirit based products; and providing for other matters properly related thereto.

ORDINANCE NO. 5009

(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 8, CHAPTER 8.20, SUBSECTION 8.20.020.325 TO ALLOW RETAIL BEER AND WINE LICENSEES TO ALSO SELL SPIRIT BASED PRODUCTS; TO AMEND TITLE 8, CHAPTER 8.20 BY ADDING A DEFINITION FOR “SPIRIT BASED PRODUCT”; TO AMEND TITLE 8, CHAPTER 8.20, SUBSECTIONS 8.20.020.015, 8.20.020.023, 8.20.020.130, 8.20.020.160, 8.20.020.162, 8.20.020.345, 8.20.020.365, 8.20.020.430, AND SECTIONS 8.20.470, AND 8.20.479 TO REVISE TERMINOLOGY REGARDING SPIRIT BASED PRODUCTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 8, Chapter 8.20, Subsection 8.20.020.015 of the Clark County
Code is hereby amended to read as follows:

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8.20.020.015 Alcoholic liquor license.

"Alcoholic liquor license" is used in this chapter interchangeably with and to indicate any one of the following licenses:

- (a) Brewery;
- (b) Brew pub license;
- (c) Club license;
- (d) Full bar license;
- (e) Hospitality liquor service license;
- (f) Hospitality suite license;
- (g) Import-wholesale alcoholic liquor license;
- (h) Individual access license;
- (i) Liquor caterer license;
- (j) Main bar;
- (k) Master liquor license;
- (l) Open air sport facility;
- (m) Package beer key delivery;
- (n) Package beer;
- (o) Package beer, wine and spirit based products license;
- (p) Package liquor license;

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- (q) Portable bar license;
- (r) Public facility club license;
- (s) Retail beer license;
- (t) Retail beer , ~~[and]~~ wine and spirit based products license;
- (u) Service bar;
- (v) Specialty drink license;
- (w) Sports and/or convention facility license;
- (x) Supper club license;
- (y) Tavern license;
- (z) Wine, beer, cordial and liqueur tasting license.

SECTION TWO. Title 8, Chapter 8.20, Subsection 8.20.020.023 of the Clark

County Code is hereby amended to read as follows:

8.20.020.023 Bar.

A "bar" is a physical structure with a flat horizontal counter, which when located in a tavern licensed for Class A slot machines, shall be at least forty-two inches in height (except for only that portion which is mandated to be a different height in order to comply with the Americans with Disabilities Act of 1990, as amended, or other applicable law) which fully encompasses the main work area of the bartender(s) or attendant(s), including the point of sale system or cash register, on one side of which alcoholic liquors are kept, maintained, and prepared and where

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seats are placed for patrons to sit on the side opposite from where the alcoholic liquor is kept, and where the sale and service of alcoholic beverages are by the drink across such structure. The following liquor licenses permit the operation of a bar on a licensed premises: (a) main bar, (b) full bar, (c) tavern, (d) pub, (e) nightclub, (f) supper club, (g) retail beer, ~~and~~ wine and spirit based products and (h) portable bar.

SECTION THREE. Title 8, Chapter 8.20, Subsection 8.20.020.130 of the Clark

County Code is hereby amended to read as follows:

8.20.020.130 Hospitality liquor service license.

"Hospitality liquor service license" means a license that allows a hotel as defined in this chapter to offer complimentary retail beer, ~~and~~ wine and spirit based products liquor service. Only bona fide registered guests of the hotel shall be permitted liquor service and only within the designated hospitality service area within the premises of the hotel. To obtain this license, a hotel must maintain not less than one hundred guest rooms. The following additional restrictions/requirements also apply:

- (a) The hotel shall not be licensed for any type of gaming;
- (b) All alcohol shall be served from and contained within an access controlled area within the premises of the hotel;
- (c) No entry to the hospitality liquor service area shall be allowed by persons under twenty-one years of age or non-guests, and a sign must be posted at the entrance to the hospitality liquor service area stating so; and

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- (d) The liquor service shall be offered only one time per day and each daily reception shall not exceed two continuous hours in duration.

SECTION FOUR. Title 8, Chapter 8.20, Subsection 8.20.020.160 of the Clark

County Code is hereby amended to read as follows:

8.20.020.160 Interactive sports facility.

An "interactive sports facility" means an establishment whose primary purpose is the provision of customer participatory sports-related entertainment for a fee. The fee may be assessed by either an admissions fee to enter the facility and/or by an individual event/venue fee. An interactive sports facility must have a sports theme throughout the premises, and must include, but is not limited to, a minimum of twelve regulation size outdoor baseball/softball batting cages, an outdoor carting race track with vehicles having a seating capacity for at least one adult size person, an arcade area with minimum of twenty-five games, at least one retail display/sales area, and an arena sports area with a ground/floor surface of at least fifteen thousand square feet and permanent seating for at least one thousand two hundred spectators. The arena area must, however, be capable of seating a minimum of three thousand patrons should the area be configured for maximum attendance events other than participatory sports contests.

An interactive sports facility shall also be required to have all of the following:

- (1) A pavilion building consisting of a minimum of ninety thousand square feet situated up a minimum of twenty acres of land;

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- (2) A parking area of sufficient size to accommodate spaces for a minimum of nine hundred vehicles;
- (3) At least one restaurant with a minimum seating capacity of two hundred patrons at all times the restaurant is open to the general public; and
- (4) One category 2 restaurant as defined in this section.

Restaurants operated in conjunction with an interactive sports facility are eligible for a full bar liquor license and other liquor licenses as otherwise permitted by this chapter. The liquor license at an interactive sports facility shall provide adequate security to ensure that minors are not served or permitted to consume alcoholic beverages anywhere on the premises and that all liquor code regulations are complied with.

An interactive sports facility is eligible for, and may be required to hold, the following categories of liquor licenses depending upon its specific manner of operation: full bar, service bar, portable bar, retail beer, and/or retail beer, ~~and~~ wine and spirit based products.

A separate general interactive sports facility master license as specified in Chapter 6.12 of the Clark County Code is required and must be obtained prior to the issuance of any liquor licenses. Businesses operated on the premises and/or owned by persons other than the owner of the interactive sports facility shall be licensed separately as required by applicable sections of this code.

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SECTION FIVE. Title 8, Chapter 8.20, Subsection 8.20.020.162 of the Clark

County Code is hereby amended to read as follows:

8.20.020.162 Karaoke club.

A "karaoke club" is a retail business whose primary purpose is to provide a place for patrons to perform karaoke in an informal setting where separate food operations admission fees and retail beer, ~~and~~ wine and spirit based products sales are permitted. For the purposes of this chapter, "karaoke" means a music entertainment system providing prerecorded accompaniment to popular songs that a performer sings live, usually by following the words on a video screen.

- (a) It is unlawful for any person, firm, association, partnership, company, or corporation to commence, carry on, engage in or continue to operate a karaoke club without first making application and obtaining a business license as required by Titles 6 and 8 of this code.
- (b) If a karaoke club allows the admittance of minors the following conditions shall apply while minors are present:
 - (1) No minor shall be allowed to loiter near any bar that serves alcoholic beverages.
 - (2) Minors must be accompanied by a person of legal drinking age.
 - (3) No minor shall be allowed in an establishment that holds a karaoke club license between the hours of 10:00 p.m. and 6:00 a.m. regardless of the presence of a person of legal drinking age.

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- (4) Karaoke offered in private rooms, security or management must have an unobstructed view into the room.
- (5) Alcoholic beverages can only be served in conjunction with food orders in accordance with the requirements applicable for the liquor license.
- (6) Alcoholic beverages are limited to one per person of legal drinking age. No additional alcoholic beverage can be ordered until the prior alcoholic beverage has been consumed or discarded.
- (7) A "No Tolerance" policy must be posted with wording that clearly states underaged drinking of alcoholic beverages will not be tolerated.
- (8) Licensee must submit a security plan, which must include how rooms will be monitored and how minors will be prevented from access to liquor.

For the purposes of this subsection, "loiter" means to remain in or hang around an area.

SECTION SIX. Title 8, Chapter 8.20, Subsection 8.20.020.325 of the Clark County Code is hereby amended to read as follows:

8.20.020.325 Retail beer , ~~and~~ wine and spirit based product license.

(a) A "retail beer , ~~and~~ wine and spirit based product license" permits the sale of beer , ~~and~~ wine and spirit based products in open containers for consumption on the licensed premises only, unless otherwise permitted in this section.

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- (b) Retail beer, ~~and~~ wine and spirit based product service is permitted in a billiard parlor, a karaoke club, wine cellar business, a restaurant and a category 2 restaurant or in a hospital where service of beer, ~~and~~ wine or spirit based product is complimentary and in conjunction with the birth of a child or other similar special event. No retail beer, ~~and~~ wine and spirit based product license shall be issued to any location having a drive-thru or walk-up window, except as provided in Sections 8.20.312 and 8.20.313 of the Code.
- (c) A retail beer, ~~and~~ wine and spirit based product license shall not be issued in conjunction with a service bar license at the same licensed premises, except to resort hotel licensees. However, the license of a licensee who was granted a retail beer and wine license and a service bar license prior to June 1, 1997, at the same licensed premises, may be renewed as a retail beer, wine and spirit based product service license and a service bar license if the location does not remain without that combination of licenses for a period of six consecutive months.

SECTION SEVEN. Title 8, Chapter 8.20, Subsection 8.20.020.345 of the Clark County Code is hereby amended to read as follows:

8.20.020.345 Service bar license.

- (a) "Service bar license" is a retail liquor license permitting the service of alcoholic liquor by the drink to customers by waitresses or waiters. A service bar license does not permit the service of drinks directly to customers at a bar or at a liquor service area, but is required any time alcoholic beverages are served away from a bar or liquor service area. Retail beer, retail wine, and retail beer, ~~and~~ wine and spirit based products licensees that have waiters or waitresses serve patrons

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beer ; ~~[or]~~ wine or spirit based products are not required to have a service bar license. One service bar license is required for each separate bar or individual liquor service area, but multiple licenses are not required if the service areas are from the same physical bar structure.

(b) Except when a service bar liquor license is issued alone in conjunction with a restaurant, service bar licenses are not "stand alone" licenses and are only issued in conjunction with other qualifying liquor licenses issued to the same licensee at the same premises.

(c) It is unlawful for a licensee with a service bar liquor license alone in conjunction with a restaurant to serve alcoholic beverages to patrons in their establishment unless it is at dining tables or booths and only in conjunction with complete meals ordered by restaurant patrons.

(d) However, notwithstanding the above restriction, a licensee with a service bar liquor license alone in conjunction with a restaurant that also has a portion of their business offering karaoke to patrons in areas or rooms physically separated from the restaurant portion of the business, may serve beer ; ~~[and]~~ wine and spirit based products to patrons in the karaoke sections without the meal requirement, provided that: (1) the full service restaurant including its kitchen is open for patronage at all times alcoholic beverages are served on the premises; (2) that a separate cook and waiter/waitress is on duty at all times alcoholic beverages are served on the premises; and (3) there are no minors in a karaoke room where the beer ; ~~[and/or]~~ wine and/or spirit based products would be served, except minors shall be allowed in such a karaoke room if the business holds a karaoke club license in accordance with and subject to the conditions of Subsection 8.20.020.162 of this code.

(e) A service bar license shall not be issued in conjunction with a retail beer license or retail beer ; ~~[and]~~ wine and spirit based products license at the same licensed premises, except to a

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resort hotel licensee. However, the license of a licensee who was granted a service bar license and a retail beer license or retail beer and wine license prior to June 1, 1997, at the same licensed premises, may be renewed as a retail beer, wine and spirit based products license and a service bar license if the location does not remain without that nonconforming combination of licenses for a period of six consecutive months. Use of the service bar liquor license by these nonconforming licensees is restricted to the service of alcoholic beverages only at dining tables or booths and only in conjunction with complete meals ordered by restaurant patrons.

SECTION EIGHT. Title 8, Chapter 8.20, Subsection 8.20.020.345 of the Clark County Code is hereby amended to read as follows:

8.20.020.365 Specialty drink license.

A "specialty drink license" permits the sale of a singular variety of an alcoholic specialty drink in open containers for consumption only on the licensed premise of a restaurant or category 2 restaurant unless otherwise permitted in this section. No specialty drink license shall be issued to any location having a drive-thru or walk-up window. For the purpose of this section, a specialty drink is defined as a themed drink representing the culture of the ethnicity of the establishment and must be consistent with the ambiance, decor, and menu offerings of the restaurant. Specialty drinks may only be available for consumption when the kitchen or food preparation area is open and operating, and prepared food is ordered and served to the customer. A specialty drink license may be issued in conjunction with a retail beer, retail wine, or retail beer , ~~[and]~~ wine and spirit based products liquor license. As part of the application process for this license, applicants must

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be able to identify and describe, in writing, how the drink qualifies for classification as a specialty drink.

SECTION NINE. Title 8, Chapter 8.20 of the Clark County Code is hereby amended by adding a new Subsection 8.20.020.373 – Spirit based product to read as follows:

8.20.020.373 Spirit based product.

“Spirit based product” means any alcoholic beverage, excluding Beer or Wine, that is served in an Original Container wherein the alcoholic content does not exceed seventeen percent (17%) by volume or thirty-four (34) proof and is clearly labeled as such.

SECTION TEN. Title 8, Chapter 8.20, Subsection 8.20.020.430 of the Clark County Code is hereby amended to read as follows:

8.20.020.430 Wine cellar business.

"Wine cellar business" means a business that sells glasses of fine wine at retail for on-premises consumption only, and sells packaged bottles of the same fine wines for off-premises consumption only. Fine wines, both retail by the glass and packaged bottles, cannot be given away, comped, or otherwise provided free of charge.

A wine cellar business must also satisfy all of the following requirements:

- (a) Have at least two thousand square feet of floor space for the display of fine wines, including coolers, but exclusive of office space, storage space, and restrooms;

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- (b) Maintain an inventory of fine wines of at least one-hundred and twenty thousand dollars;
- (c) Provide seating for at least twenty-five patrons;
- (d) Make all products of the wine cellar business available for sale to the general public during all hours the premises is open for business;
- (e) Maintain at least one restroom on its premises that is available for public use during all business hours;
- (f) Prohibit anyone under the age of twenty-one from entry into a wine cellar business;
- (g) Comply with Clark County Code Sections 8.20.450 and 8.20.310 for all off-premises package sales of fine wine by the bottle;
- (h) Refrain from charging any form of admission fees for entry to the licensed premises;
- (i) Prohibit any form of gaming in a wine cellar business; and
- (j) A wine cellar business cannot be operated in conjunction with any other type of liquor license or business, except a retail beer, ~~and~~ wine and spirit based products liquor license or a full bar liquor license.

For the purposes of this section only, "fine wine" means any alcoholic liquor obtained by the fermentation of grape juice, or whose fermentation has been stopped by fortification, containing less than twenty-two percent alcohol by content, which is packaged in a glass bottle, and on which the vintage is displayed on either the front or back label.

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SECTION ELEVEN. Title 8, Chapter 8.20, Section 8.20.470 of the Clark County Code is hereby amended to read as follows:

8.20.470 License fees.

It is unlawful for any person, firm, association or corporation to engage in the retail business of selling, distributing, dispensing or giving away intoxicating, spirituous, vinous, malt (fermented) or other liquors, wines or beers in the county, outside the incorporated cities and towns therein, without first having procured a license and paid the applicable fees in advance to the county department of business license as follows:

(a) For retail liquor licenses:

- (1) For each and every main bar operated by an establishment for on-premises consumption, including room service of package goods to hotel guests in rooms by a porter within the establishment, a fee of five hundred twenty-five dollars per quarter-annual period;
- (2) For each and every service bar and portable bar operated by an establishment a fee of three hundred dollars per quarter-annual period;
- (3) For each and every individual access license, a fee of one thousand dollars per quarter-annual period;
- (4) For a tavern and pub, a fee of three hundred dollars per quarter-annual period;
- (5) For retail beer, a fee of one hundred twenty-five dollars per quarter-annual period;

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- (6) For retail beer, ~~and~~ wine and spirit based products, a fee of one hundred fifty dollars per quarter-annual period;
 - (7) For a retail wine license, a fee of one hundred twenty-five dollars per quarter annual period;
 - (8) For a club liquor license, a fee of two hundred dollars per quarter-annual period;
 - (9) For a public facility club license, a fee of three hundred dollars per quarter-annual period;
 - (10) For a supper club license, a fee of three hundred dollars per quarter-annual period;
 - (11) For a liquor caterer license, a fee of two hundred dollars per quarter-annual period, with a nonrefundable permit fee of ten dollars for each liquor distribution point operated per day at each event;
 - (12) For a full bar liquor license, a fee of three hundred dollars per quarter-annual period; and
 - (13) For a hospitality liquor license, a fee of three hundred dollars per quarter-annual period; and
 - (14) For a specialty drink license, a fee of two hundred dollars per quarter-annual period.
- (b) For package licenses:

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- (1) For package liquor, a fee of four hundred fifty dollars per quarter-annual period unless operated in conjunction with a tavern by the same licensee at the same location, in which case the fee shall be one hundred fifty dollars per quarter-annual period;
 - (2) For package beer keg delivery, a fee of three hundred fifty dollars per quarter-annual period in addition to any other liquor fee required at the licensed location;
 - (3) For package beer, a fee of one hundred twenty-five dollars per quarter-annual period;
 - (4) For package beer, wine and spirit-based products, a fee of one hundred seventy-five dollars per quarter-annual period.
- (c) Import-Wholesale. For an import-wholesale alcoholic license, a fee of six hundred fifty dollars per quarter-annual period.
- (d) For a special event permit, the fee shall be fifty dollars per event for retail beer, seventy-five dollars per event for retail beer, ~~and~~ wine and spirit based products, and one hundred fifty dollars per event for all other types of alcohol service, except that charitable/nonprofit organizations which meet the requirements for issuance of special event permits shall not be required to pay any fee.
- (e) Brewery. For a brewery license, a fee of two hundred fifty dollars per quarter-annual period.
- (f) Brew Pub License. For a brew pub license a fee of three hundred dollars per quarter-annual period.

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- (g) Instructional Wine Making Facility. For an instructional wine-making facility a fee of two hundred fifty dollars per quarter-annual period.
- (h) Wine, Beer, Cordial and Liquor Tasting. For a wine, beer, cordial and liqueur tasting license, a fee of three hundred dollars per quarter-annual period.
- (i) For a master liquor license the fee shall be the greater of two thousand dollars or five percent of the gross sales, including the retail value of complimentary alcohol, per quarter-annual period.

A separate license is required for each fictitious name used by an entity in the conduct of liquor sales, distribution or gift.

SECTION TWELVE. Title 8, Chapter 8.20, Section 8.20.479 of the Clark County Code is hereby amended to read as follows:

8.20.479 Sport and convention pavilion license.

A license may be granted to an applicant which otherwise qualifies for licensing under the requirements of this chapter, and that is also qualified under subsections (a), (b), or (c) below, which will allow the operation of one tavern and an unlimited number of portable bars and retail, beer ~~and~~ wine and spirit based products stations in the enclosed area of the pavilion to which admission is controlled by the licensee.

- (a) For a sport facility under roof with fixed seating for ten thousand or more spectators or participants, the license fee is one thousand five hundred dollars per quarter;

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- (b) For a sport and/or convention facility with one million square feet or more, the license fee is two thousand dollars per quarter; and
- (c) For an open air facility with fixed seating for fifteen thousand or more spectators or participants, owned by either the Las Vegas Convention Authority or University of Nevada, the license fee is two hundred fifty dollars per quarter.

Facilities not included within the above classifications shall acquire licenses as otherwise provided in this chapter. Liquor service at all rock concerts must be approved by the director of business license prior to the issuance of any permit required by Section 6.65.120. The director shall consider recommendations from the sheriff together with the health, welfare, safety, and morals of the community and other factors which he deems pertinent, and may impose such conditions upon service as he deems advisable.

Any licensee which is dissatisfied with the decision of the director of business license may appeal such decision within ten days to the licensing board by filing written notice of appeal with the director of business license. The licensing board shall hear the appeal at the next regular scheduled meeting following the expiration of ten days after the appeal is filed.

SECTION THIRTEEN. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

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SECTION FOURTEEN. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FIFTEEN. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 20th day of December, 2022.

PROPOSED BY: Commissioner James B. Gibson

PASSED on the 3rd day of January, 2023.

AYES: James B. Gibson

Justin Jones

Marilyn K. Kirkpatrick

William McCurdy II

Ross Miller

Michael Naft

Tick Segerblom


NAYS: None

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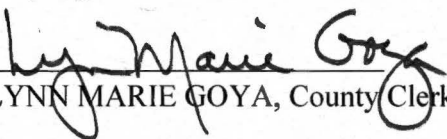
ABSTAINING: None

ABSENT: None

LIQUOR AND GAMING LICENSING BOARD

BY:  _____
JUSTIN JONES, Chair

ATTEST:


LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the 17th day of January 2023.