

[Bracketed] material is that portion being deleted
Underlined material is that portion being added

BILL NO. L-9-15-09-1 (A)

SUMMARY: A liquor and gaming ordinance to amend section 8.20.020.130 to allow hotels maintaining not less than 100 rooms to offer hospitality liquor service; to amend section 8.20.020.265 to allow a package beer, wine and spirit based products liquor licenses to be granted to licensed hotel maintaining not less than 100 rooms, subject to certain restrictions; and to amend 8.20.020.250 to conform to the same.

ORDINANCE NO. L-246-09
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TO AMEND TITLE 8, CHAPTER 8.20, SECTION 8.20.020.130 OF THE CLARK COUNTY CODE TO ALLOW A HOTEL MAINTAINING NOT LESS THAN 100 ROOMS TO BE ELIGIBLE FOR A HOSPITALITY LIQUOR SERVICE LICENSE; TO AMEND SECTION 8.20.020.265 TO ALLOW A HOTEL MAINTAINING NOT LESS THAN 100 ROOMS TO BE ELIGIBLE FOR A PACKAGE BEER, WINE AND SPIRITS BASED LIQUOR LICENSE, PROVIDED THAT ALL BEER, WINE AND SPIRIT BASED PRODUCTS ARE DISPLAYED IN A LOCKED CABINET UNDER THE SOLE CONTROL OF HOTEL STAFF AT ALL TIMES, AND THAT THE HOTEL SELL PACKAGE BEER, WINE OR SPIRITS BASED PRODUCTS ONLY TO GUESTS OF THE HOTEL OVER 21 YEARS OF AGE; TO AMEND SECTION 8.20.020.250 PERTAINING TO PACAKGE LICENSES TO CONFORM TO THE SAME; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, SITTING AS THE CLARK COUNTY LIQUOR AND GAMING LICENSING BOARD, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8, Chapter 8.20, Section 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 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 [two] 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
- (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 2. Title 8, Chapter 8.20, Section 8.20.020.265 of the Clark County Code is hereby amended to read as follows:

8.20.020.265 Package beer, wine and spirit based products license.

A “package beer, wine and spirit based product license” permits the sale of beer, wine, and spirit based products for which the alcoholic content does not exceed seventeen percent by volume or thirty-four proof and is clearly labeled as such, in unopened original containers for off-premises consumption only.

- (a) A package beer, wine and spirit based product license shall be granted only to the following licensed businesses:

- (1) A convenience store;
 - (2) A tavern;
 - (3) A main bar (except when issued in conjunction with a live entertainment venue);
 - (4) A full bar when issued in conjunction with a restaurant at a regional commercial retail mall;
 - (5) A resort hotel;
 - (6) A liquor store;
 - (7) A grocery store;
 - (8) A specialty merchandise store;
 - (9) A time-share facility;
 - (10) A drug store;
 - (11) A wine cellar business;
 - (12) A gift store; or
 - (13) A supper club, provided that the sale of beer, wine, and spirit based products are recorded and included in the food to alcohol ratio as the sale of alcohol for all supper clubs.
 - (14) A hotel with not less than one-hundred guest rooms, as defined in Section 8.20.020.140, provided that the packaged beer, wine and spirit based products are displayed within a locked cabinet accessible only to hotel staff and are sold only in unopened, original, and individual containers to hotel guests for off-premises consumption.
- (b) All package beer and wine establishments licensed prior to the convenience store restriction may be renewed so long as they remain otherwise eligible for licensure.

SECTION 3. Title 8, Chapter 8.20, Section 8.20.020.250 of the Clark County

Code is hereby amended to read as follows:

8.20.020.250 Package licenses.

(a) All “package licenses” permit the sale of alcoholic liquors, beer, wine, and spirit based products in unopened original containers for consumption off-premises only; however, on-premises wine, beer, cordial and liqueur tasting is permitted at a liquor store if the licensee also holds a wine, beer, cordial and liqueur tasting license for that location. Alcoholic liquor sold under a package license in a resort hotel or hotel may be consumed only away from the licensed premises which includes all hotel areas other than guest rooms.

(b) Except when issued in conjunction with taverns, main bars and in resort hotels and hotels under 8.20.020.265(a)(14), no package license shall be granted to any establishment having less than one thousand two hundred square feet of floor space, exclusive of warehouse and office space, devoted to the display of merchandise for sale to the public.

(c) It is unlawful for any licensee to provide window or drive-thru service or deliver alcohol outside the licensed portion of the building except for: (1) delivery pursuant to a package beer keg license; (2) room service delivery of alcoholic liquor in unopened original containers in a resort hotel by a licensee holding a main bar license and package license in that resort hotel; and (3) a grocery store licensed for the internet sale and delivery of alcohol pursuant to Section 8.20.360.

SECTION 4. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 5. 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 6. This ordinance shall take effect and be in force from and after its passage and publication thereof by title only, together with the names of the County Commissioners voting for and 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 15th day of September, 2009.

PROPOSED BY: Commissioner Rory Reid

PASSED on the 6th day of October, 2009.

AYES: Susan Brager

Lawrence L. Brown III

Tom Collins

Chris Giunchigliani

Rory Reid

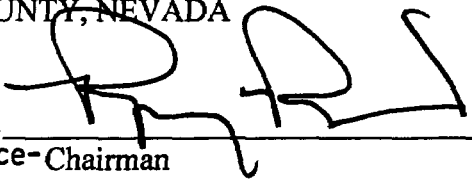
Steve Sisolak

NAYS: Lawrence Weekly

ABSTAINING: None

ABSENT: None

THE LIQUOR AND GAMING
LICENSING BOARD OF CLARK
COUNTY, NEVADA


BY: _____
Vice-Chairman

ATTEST:



County Clerk

This ordinance shall be in force and effect from and after the 20th day of
October, 2009.